



# Governance and Accountability for Smaller Authorities in England

**A Practitioners' Guide to Proper Practices to be applied in the preparation of statutory annual accounts and governance statements**

**March 2019**



*This Guide is issued by the Joint Panel on Accountability and Governance (JPAG), and jointly published by the Society of Local Council Clerks, the National Association of Local Councils and the Association of Drainage Authorities.*

*JPAG is responsible for issuing proper practices in relation to the governance and accounts of smaller authorities, as set out in its Terms of Reference shown in Appendix 2 of this Guide. Its membership consists of sector representatives from the Society of Local Council Clerks, the National Association of Local Councils and the Association of Drainage Authorities, together with stakeholder partners representing the Ministry of Housing, Communities and Local Government, the Department of Environment, Food and Rural Affairs, the Chartered Institute of Public Finance and Accountancy, the National Audit Office, and a representative of the external audit firms appointed to smaller authorities.*

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## Foreword

The Practitioners' Guide ('the guide') is issued by the Joint Panel on Accountability and Governance (JPAG) to support the preparation by smaller authorities in England of statutory annual accounting and governance statements found in the Annual Governance and Accountability Return.

This 2019 edition of the guide applies to Annual Governance and Accountability Returns in respect of financial years commencing on or after 1 April 2019. As there are no changes to the guidance, simply clarification of proper practices, it can be applied to Annual Governance and Accountability Returns covering the period 1 April 2018 to 31 March 2019.

In accordance with Section 6 of the Local Audit and Accountability Act 2014, an authority is a 'smaller authority' if the higher of the authority's gross income for the year and its gross expenditure for the year does not exceed £6.5 million. For the purposes of the Accounts and Audit Regulations 2015, a smaller authority may also be referred to as a 'Category 2 authority'. This guide uses the term 'authority' to refer to all types of smaller authority. For the purposes of the Practitioners' Guide this will include local councils (parish and town councils), parish meetings, internal drainage boards and 'other' authorities (including charter trustees, conservation bodies, port health authorities, harbour boards and crematorium boards).

Smaller authorities with no financial transactions meet their responsibility to produce accounts by completing Part 1 of the Annual Governance and Accountability Return.

Smaller authorities where the higher of gross income or gross expenditure was £25,000 or less, that meet the eligibility criteria set out in Regulation 9(3) of the Local Audit (Smaller Authorities) Regulations 2015, and that wish to certify themselves as exempt from a limited assurance review should complete Part 2 of the Annual Governance and Accountability Return.

All remaining smaller authorities should complete Part 3 of the Annual Governance and Accountability Return.

Sections 1, 2 and 3 of the guide represent the proper accounting and governance practices ('*proper practices*') referred to in statute. They set out for responsible financial officers the appropriate standard of financial and governance reporting for smaller authorities and are **mandatory**. Although a parish meeting is a relevant authority, there are some circumstances where legislative requirements differ. As a result, JPAG has agreed the way in which proper practices set out in this Practitioners' Guide apply differently to parish meetings, and separate AGARs (suffixed PM) have been produced for this purpose:

- a) It will be acceptable for the chair of a parish meeting to sign the Annual Governance and Accountability Return and Exemption Certificate where appropriate in the spaces provided for chair, clerk and responsible financial officer.
- b) It will be acceptable for trust fund declarations to be left blank because parish meetings cannot act as sole managing trustees.
- c) It will be acceptable for parish meetings with no website to publish their notices on a noticeboard for a period of 14 days, as required by 22(5)(b)(ii) of the Accounts and Audit Regulations 2015, in relation to public rights and exemption from a limited assurance review.

Section 4 of the guide sets out the non-statutory guidance relating to internal audit which authorities are required to take into account.

Section 5 of the guide provides supporting information and practical examples to assist smaller authorities to manage their governance and financial affairs and is not mandatory.

The guide is intended as a working tool for smaller authorities, providing not only the common 'rules' for completing an Annual Governance and Accountability Return for use by responsible financial officers, but also as a reference work for auditors, both internal and external, members, other officers and the public to aid understanding of the Annual Governance and Accountability Return and the reporting on the smaller authority's governance and finances within it.

For this reason, the guide is written with the intention to be as widely accessible as possible to all users within the constraints of it also representing the appropriate standards for public reporting by smaller authorities.

JPAG is committed to a regular review of the guide to ensure that it remains fit for purpose for all smaller authorities in England. The guide is supported by the technical support teams at SLCC, NALC and ADA where you may address any questions about the content of the guide or suggestions for its improvement.

Phil Camamile  
Chair, JPAG  
29<sup>th</sup> March 2019

## Section 1 - The Annual Governance Statement

### Introduction

- 1.1 [The Accounts and Audit Regulations 2015](#) require smaller authorities, each financial year, to conduct a review of the effectiveness of the system of internal control and prepare an annual governance statement in accordance with proper practices in relation to accounts.
- 1.2 This guide represents the proper practices in relation to accounts that smaller authorities need to follow in preparing their annual governance statement.
- 1.3 The purpose of the annual governance statement is for an authority to report publicly on its arrangements for ensuring that its business is conducted in accordance with the law, regulations and proper practices and that public money is safeguarded and properly accounted for.
- 1.4 Smaller authorities prepare their annual governance statement by completing Section 1 of the Annual Governance and Accountability Return. This is in the form of a number of statements, known as assertions, to which the authority needs to answer 'Yes' or 'No'. This guide follows the order of Section 1 of the Annual Governance and Accountability Return and sets out the actions that authorities need to have taken either during the financial year or after the financial year-end to answer 'Yes' to each assertion.
- 1.5 The authority needs to have appropriate evidence to support a 'Yes' answer to an assertion, for example a reference in a set of formal minutes.
- 1.6 If an authority is not able to respond 'Yes' to any assertion, it needs to provide an explanation to the external auditor on a separate sheet describing how the authority will address the weaknesses identified. These explanations must be published along with the completed AGAR.
- 1.7 To assist practitioners, a pro-forma Annual Governance and Accountability Return is available alongside this guide.

### Annual Governance Statement assertions

#### Assertion 1: Financial management and preparation of accounting statements

**We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.**

To warrant a positive response to this assertion, the following processes need to be in place and effective:



- 1.8 **Budgeting.** The authority needs to prepare and approve a budget in a timely manner before setting a precept or rates and prior to the commencement of the financial year. It needs to monitor actual performance against its budget during the year, taking corrective action where necessary. A financial appraisal needs to be undertaken before the authority commences any significant project or enters into any long term commitments.
- 1.9 **Accounting records and supporting documents.** All authorities, other than parish meetings where there is no parish council, need to appoint an officer to be responsible for the financial administration of the authority in accordance with section 151 of the Local Government Act 1972. Section 150(6) of the same Act makes the chairman of a parish meeting (where there is no parish council) responsible for keeping its accounts. The authority needs to have satisfied itself that its Responsible Finance Officer (RFO) has determined a system of financial controls and discharged their duties under [Regulation 4 of the Accounts and Audit Regulations 2015](#). The RFO needs to have put in place effective procedures to accurately and promptly record all financial transactions, and maintain up to date accounting records throughout the year, together with all necessary supporting information. The accounting statements in Section 2 of the Annual Governance and Accountability Return need to agree to the underlying records.
- 1.10 **Bank reconciliation.** Statements reconciling each of the authority's bank accounts with its accounting records need to be prepared on a regular basis, including at the financial year-end, and reviewed by members of the authority.
- 1.11 **Investments.** Arrangements need to be in place to ensure that the authority's funds are managed properly and that any amounts surplus to requirements are invested appropriately, in accordance with an approved strategy which needs to have regard to MHCLG's statutory [Guidance on local government investments](#). If total investments are to exceed the threshold specified in MHCLG's statutory guidance at any time during a financial year, an authority needs to produce and approve an annual Investment Strategy in accordance with the MHCLG guidance.
- 1.12 **Statement of accounts.** The authority needs to ensure that arrangements are in place to enable preparation of an accurate and timely statement of accounts in compliance with its statutory obligations and proper practices.
- 1.13 Supporting information on financial management and preparation of accounting statements can be found in Section 5.

## Assertion 2: Internal Control

**We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.**

In order to warrant a positive response to this assertion, the following processes need to be in place and effective:

**1.14 Standing Orders and Financial Regulations.** The authority needs to have in place standing orders and financial regulations governing how it operates. Financial regulations need to incorporate provisions for securing competition and regulating the manner in which tenders are invited. These need to be regularly reviewed, fit for purpose, and adhered to.

**1.15 Safe and Efficient Arrangements to Safeguard Public Money.** Practical and resilient arrangements need to exist covering how the authority orders goods and services, incurs liabilities, manages debtors, makes payments and handles receipts.

1.15.1 Authorities need to have in place safe and efficient arrangements to safeguard public money. Where doubt exists over what constitutes money, the presumption is that that it falls within the scope of this guidance.

1.15.2 Authorities need to review regularly the effectiveness of their arrangements to protect money. Every authority needs to arrange for the proper administration of its financial affairs and ensure that one of its officers (the RFO) has formal responsibility for those affairs (see paragraph 1.9 above).

1.15.3 Authorities need to ensure controls over money are embedded in Standing Orders and Financial Regulations. Section 150(5) of the Local Government Act 1972 required cheques or orders for payment to be signed by two elected members. Whilst this requirement has now been repealed, the ‘two member signatures’ control needs to remain in place until such time as the authority has put in place safe and efficient arrangements in accordance with paragraphs 1.15.4 to 1.15.7 of this guide.

1.15.4 Authorities need to approve the setting up of, and any changes to, accounts with banks or other financial institutions. Authorities also need to approve any decisions to enter into ‘pooling’ or ‘sweep’ arrangements whereby the bank periodically aggregates the authority’s various balances via automatic transfers.

1.15.5 If held, corporate credit card accounts need to have defined limits and be cleared monthly by direct debit from the main bank account.

- 1.15.6 The authority needs to approve every bank mandate, the list of authorised signatures for each account, the limits of authority for each account signature and any amendments to mandates.
- 1.15.7 Risk assessment and internal controls need to focus on the safety of the authority's assets, particularly money. Those with direct responsibility for money need to undertake appropriate training from time to time.
- 1.16 **Employment.** The remuneration payable to all employees needs to be approved in advance by the authority. In addition to having robust payroll arrangements which cover the accuracy and legitimacy of payments of salaries and wages, and associated liabilities, the authority needs to ensure that it has complied with its duties under employment legislation and has met its pension obligations.
- 1.17 **VAT.** The authority needs to have robust arrangements in place for handling its responsibilities with regard to VAT.
- 1.18 **Fixed Assets and Equipment.** The authority's assets need to be secured, properly maintained and efficiently managed. Appropriate procedures need to be followed for any asset disposal and for the use of any resulting capital receipt.
- 1.19 **Loans and Long Term Liabilities.** Authorities need to ensure that any loan or similar commitment is only entered into after the authority is satisfied that it can be afforded and that relevant approvals have been obtained. Proper arrangements need to be in place to ensure that funds are available to make repayments of capital and any associated interest and other liabilities.
- 1.20 **Review of effectiveness.** [Regulation 6 of the Accounts and Audit Regulations 2015](#) requires the authority to conduct each financial year a review of the effectiveness of the system of internal control. The review needs to inform the authority's preparation of its annual governance statement.
- 1.21 Supporting information on internal control can be found in Section 5.

### Assertion 3: Compliance with laws, regulations and proper practices

**We took all reasonable steps to assure ourselves that there are no matters of actual or potential noncompliance with laws, regulations and proper practices that could have a significant financial effect on the ability of this smaller authority to conduct its business or on its finances.**

In order to warrant a positive response to this assertion, the following processes need to be in place and effective:

- 1.22 **Acting within its powers.** All authorities' actions are controlled by statute. Therefore, appropriate decision making processes need to be in place to ensure that all activities undertaken fall within an authority's powers to act. In particular authorities need to have robust procedures in place to prevent any decisions or payments being made that are *ultra vires*, i.e. that the authority does not have the lawful power to make. The exercise of legal powers needs always to be carried out reasonably. For that reason, authorities making decisions need always to understand the power(s) they are exercising in the context of their decision making.
- 1.23 **General power of competence.** In particular an authority seeking to exercise a general power of competence under the Localism Act 2011 needs to ensure that the power is fully understood and exercised in accordance with the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012.
- 1.24 **Regulations and proper practices.** Procedures need to be in place to ensure that an authority's compliance with statutory regulations and applicable proper practices is regularly reviewed and that new requirements, or changes to existing ones, are reported to members and applied. Authorities need to have particular regard to the requirements of the Accounts and Audit Regulations 2015.
- 1.25 **Actions during the year.** An authority needs to have satisfied itself that it has not taken any decision during the year, or authorised any action, that exceeds its powers or contravenes any laws, regulations, or proper practices.
- 1.26 Supporting information on compliance with laws, regulations and proper practices can be found in Section 5.

#### Assertion 4: Exercise of public rights

**We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.**

In order to warrant a positive response to this assertion the authority needs to have taken the following actions in respect of the previous year's Annual Governance and Accountability Return<sup>1</sup>:

- 1.27 **Exercise of public rights.** The authority provided for the exercise of public rights set out in Sections 26 and 27 of the Local Audit and Accountability Act 2014. Part 5 of the

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<sup>1</sup> If the Annual Governance and Accountability Return referred to is that for 2014/15 (in the case of voluntary application of this guide to the Annual Governance and Accountability Return for 2015/16), the relevant legislation was the Audit Commission Act 1998 and the Accounts and Audit (England) Regulations 2011.

Accounts and Audit Regulations 2015 requires the RFO to have published, including on the authority's website or other website:

- Sections 1 and 2 of the Annual Governance and Accountability Return;
- a declaration that the status of the statement of accounts is 'unaudited'; and
- a statement that sets out details of how public rights can be exercised, as set out in Regulation 15(2)(b), which includes the period for the exercise of public rights.

1.28 **External Auditor's Review.** A notice of the conclusion of the external auditor's limited assurance review of the Annual Governance and Accountability Return, together with relevant accompanying information, was published (including on the authority's website or other website) in accordance with the requirements of Regulation 16 the Accounts and Audit Regulations 2015.

1.29 A parish meeting may meet the publication requirements by displaying the information in question in a conspicuous place in the area of the authority for at least 14 days.

1.30 Supporting information on the exercise of public rights can be found in Section 5.

#### Assertion 5: Risk Management

**We carried out an assessment of the risks facing this smaller authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.**

In order to warrant a positive response to this assertion, the authority needs to have the following arrangements in place:

1.31 **Identifying and assessing risks.** The authority needs to identify, assess and record risks associated with actions and decisions it has taken or considered taking during the year that could have financial or reputational consequences.

1.32 **Addressing risks.** Having identified, assessed and recorded the risks, the authority needs to address them by ensuring that appropriate measures are in place to mitigate and manage risk. This might include the introduction of internal controls and/or appropriate use of insurance cover.

1.33 Supporting information on risk management can be found in Section 5.

#### Assertion 6: Internal Audit

**We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.**

In order to warrant a positive response to this assertion, the authority needs to have taken the following actions:

1.34 **Internal audit.** The authority needs to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes taking into account internal auditing guidance for smaller authorities.

1.35 **Provision of information.** The authority needs to ensure it has taken all necessary steps to facilitate the work of those conducting the internal audit, including making available all relevant documents and records and supplying any information or explanations required.

1.36 Non-statutory guidance on internal audit can be found in Section 4.

#### Assertion 7: Reports from Auditors

**We took appropriate action on all matters raised in reports from internal and external audit.**

1.37. To warrant a positive response to this assertion, the authority needs to have considered all matters brought to its attention by its external auditor and internal audit and taken corrective action as appropriate.

1.38. Supporting information on reports from auditors can be found in Section 5.

#### Assertion 8: Significant events

**We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this smaller authority and, where appropriate have included them in the accounting statements.**

To warrant a positive response to this assertion, the authority needs to have taken the following actions where necessary:

1.39. **Significant events.** The authority needs to have considered if any events that occurred during the financial year (or after the year-end), have consequences, or potential consequences, on the authority's finances. If any such events are identified, the authority then needs to determine whether the financial consequences need to be reflected in the statement of accounts.

1.40. Supporting information on significant events can be found in Section 5.

#### Assertion 9: Trust Funds (local councils only)

**Trust funds (including charitable). In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.**

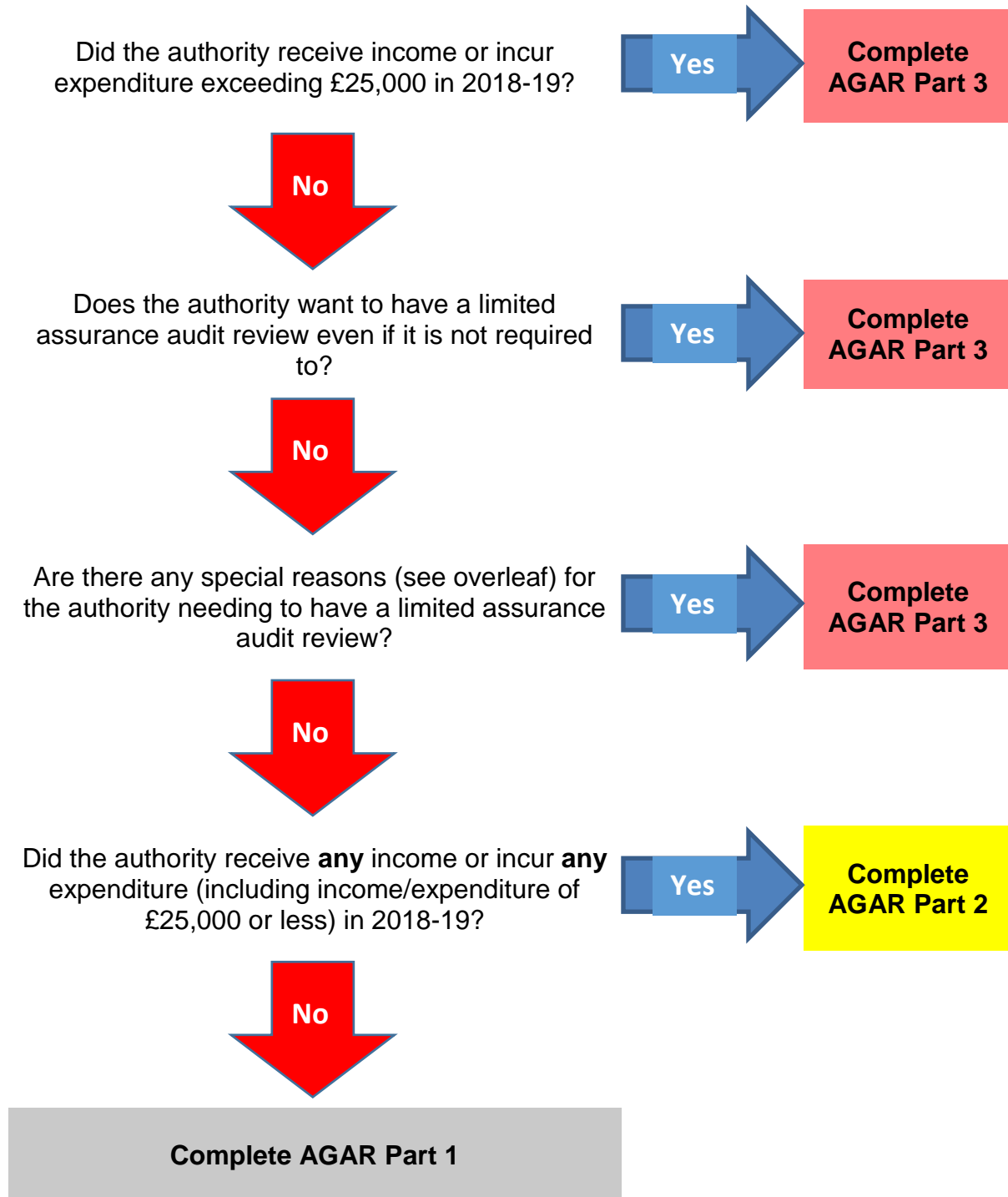
- 1.41. Where a local authority acts as a sole managing trustee for a trust or trusts, to warrant a positive response to this assertion the authority needs to have made sure that it has discharged all of its responsibilities with regard to the trust's finances. This needs to include financial reporting and, if required, independent examination or audit. This is notwithstanding the fact that the financial transactions of the trust do not form part of the authority's accounts and are therefore not included in the figures reported on Section 2 of its Annual Governance and Accountability Return (see paragraph 2.29 below).
- 1.42. Supporting information on trust funds can be found in Section 5.

#### Approval process

- 1.43. The authority needs to approve the annual governance statement by resolution of members of the authority meeting as a whole, in advance of the authority approving the accounting statements in Section 2 of the Annual Governance and Accountability Return. The Chair of the meeting and the Clerk need to sign and date the annual governance statement and a minute reference entered.

**PART ONE, Appendix One**  
**ANNUAL GOVERNANCE AND ACCOUNTABILITY RETURN**  
**2018-19**

**A. All authorities other than parish meetings**



**Please note that where an authority chooses or is required to complete AGAR Part 3 a fee will be payable**



## **SPECIAL REASONS**

### **If any of these statements is true, the authority must complete AGAR Part 3**

1. The authority has only come into existence since 1 April 2015;
2. In relation to the financial year 2017/18, the external auditor:
  - a. has issued a public interest report in respect of the authority or any entity connected with it;
  - b. has made a statutory recommendation to the authority, relating to the authority or any entity connected with it;
  - c. has issued an advisory notice under paragraph 1(1) of Schedule 8 to the Audit and Accountability Act 2014 ("the Act") (other than a notice that has subsequently been withdrawn);
  - d. has commenced judicial review proceedings under section 31(1) of the Act; or
  - e. has made an application under section 28(1) of the Act for a declaration that an item of account is unlawful (other than an application that has been withdrawn or in respect of which the court has refused to make the declaration); or
3. The court has declared an item of account unlawful after a person made an appeal under section 28(3) of the Act.

### **AGAR Part 1a for authorities other than parish meetings with no income or expenditure**

The authority must ensure that before 1 July 2019 its Chairman or Responsible Financial Officer (RFO):

- 1) completes the certificate of exemption and declaration of no accounts (Part 1a, page 2), including:
  - a) a confirmation that no income was received nor expenditure incurred in 2018-19;
  - b) a statement of annual gross income in 2018-19 (0);
  - c) a statement of annual gross expenditure in 2018-19 (0);
  - d) a statement of balances held as at 31 March 2019;
  - e) the Chairman's or RFO's signature;
  - f) the date on which the certificate of exemption was signed;
  - g) the Chairman's or RFO's name, address, telephone number and email address; and
  - h) the name and address of the external auditor;
- 2) sends the completed certificate of exemption to the external auditor; and
- 3) publishes the completed certificate of exemption on a suitable website.

### **AGAR Part 2 for authorities (other than parish meetings) with neither income nor expenditure exceeding £25,000**

The authority must ensure that before 1 July 2019:

- 1) the certificate of exemption (Part 2, page 3) is completed and includes:
  - a) a statement of annual gross income in 2018-19;
  - b) a statement of annual gross expenditure in 2018-19;
  - c) the Chairman's and Responsible Financial Officer (RFO)'s signatures;
  - d) the date(s) on which the certificate of exemption was signed;
  - e) a contact telephone number and email address for the authority; and
  - f) its website address;
- 2) the completed certificate of exemption is sent to the external auditor;
- 3) the internal audit report for 2018-19 (Part 2, page 4) is completed, signed and dated by the internal auditor;

- 4) the annual governance statement (Part 2, page 5: Section 1) is:
    - a) completed;
    - b) formally approved at a meeting of the authority, with date and minute reference inserted; and
    - c) signed by the Chairman and Clerk;
  - 5) summary accounting statements (Part 2, page 6: Section 2) are
    - a) completed;
    - b) signed and dated by the RFO prior to being presented for approval;
    - c) formally approved at a meeting of the authority with date and minute reference inserted; and
    - d) signed by the Chairman; and
  - 6) copies of:
    - a) the completed certificate of exemption;
    - b) the completed, signed and dated annual internal audit report;
    - c) the completed, approved, dated and signed annual governance statement;
    - d) the completed, approved, dated and signed summary accounting statements;
    - e) an analysis of variances
    - f) a bank reconciliation;
    - g) notice of the period for the exercise of public rights; and
    - h) other information required by Regulation 15 (2) of the Accounts and Audit Regulations 2015
- are published on the authority's website or another suitable website.

### **AGAR Part 3 for smaller authorities not seeking or not eligible for exemption from audit**

The authority must ensure that, before 1 July 2019:

- 1) the internal audit report for 2018-19 (Part 3, page 3) is completed, signed and dated by the internal auditor;
- 2) the annual governance statement (Part 3, page 4: Section 1) is:
  - a) completed, with an explanation of any 'No' responses and a description of how the authority will address the weaknesses identified;
  - b) formally approved at a meeting of the authority, with date and minute reference inserted; and
  - c) signed by the Chairman and Clerk;and includes the authority's website address, where other information not forming part of the annual governance statement but required by the Transparency Codes may be found;
- 3) the accounting statements (Part 3, page 5: Section 2) are
  - a) completed;
  - b) signed and dated by the Responsible Financial Officer (RFO);
  - c) formally approved at a meeting of the authority with date and minute reference inserted; and
  - d) signed by the Chairman; and

- 4) the authority's name is entered in the box at the head of the External Auditor Report and Certificate (Part 3, page 6: Section 3) ; and
- 5) the RFO has set a date for the commencement of the period for the exercise of public rights;
- 6) copies of:
  - a) the completed annual governance statement (Section 1), signed by the Chairman and Clerk;
  - b) the accounting statements (Section 2) signed and dated by the RFO and Chairman;
  - c) the External Auditor Report and Certificate (Section 3) showing the name of the authority only;
  - d) a bank reconciliation as at 31 March 2019;
  - e) an explanation of any significant year-on-year variances in the accounting statements;
  - f) notification of the period for the exercise of public rights;
  - g) the Annual Internal Audit Report; and
  - h) any other documents requested by the auditorare sent to the external auditor.
- 7) copies of:
  - a) the completed annual governance statement (Section 1), signed by the Chairman and Clerk; and
  - b) the accounting statements (Section 2) signed and dated by the RFO and Chairman are published on the authority's website or another publicly accessible website, together with:
    - c) notice of the period for the exercise of public rights; and
    - d) a declaration that the accounting statements are as yet unaudited.

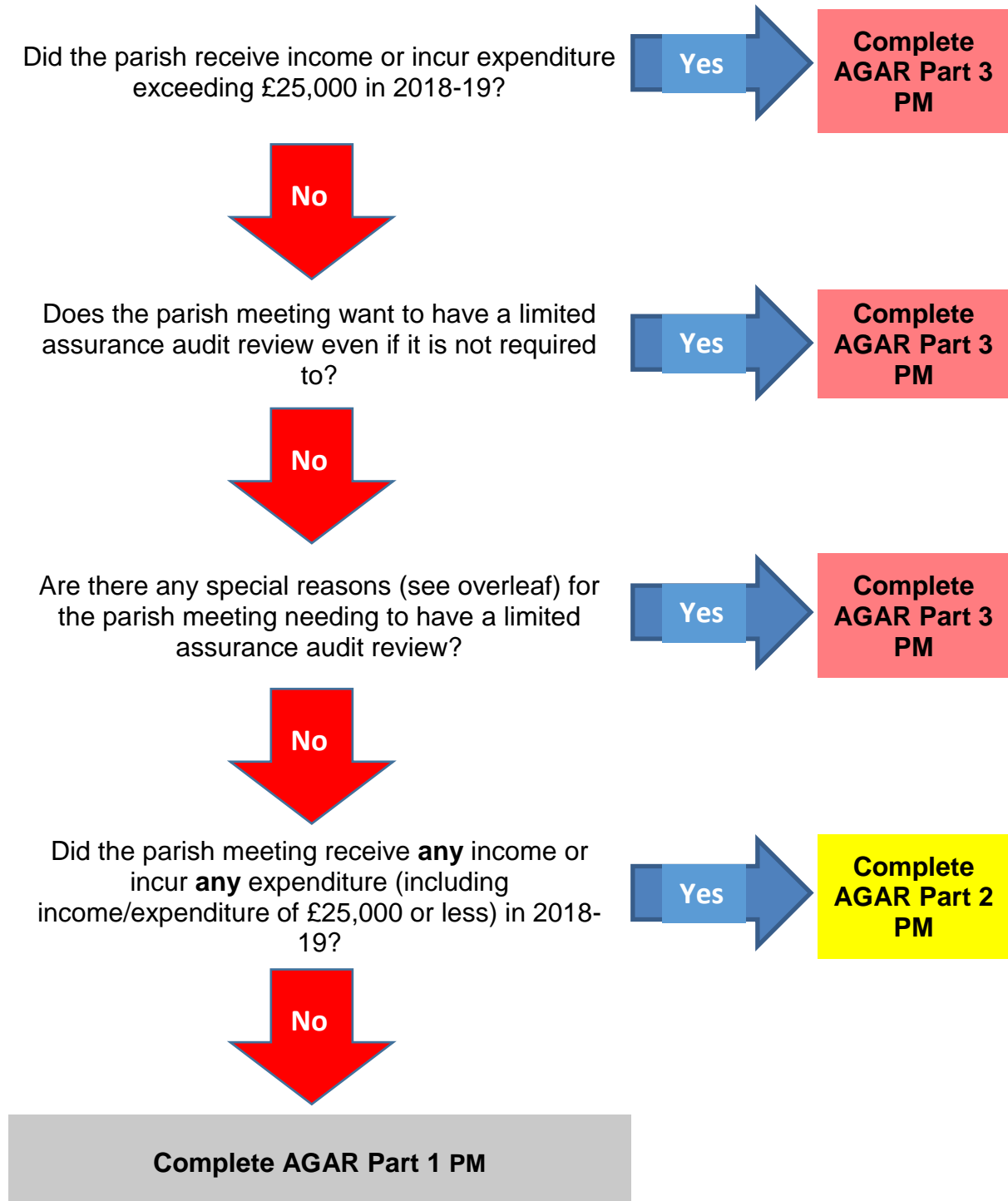
Once the external auditor has completed and is able to give an opinion on the limited assurance review, the Annual Governance and Accountability Return including a completed Section 3 will be returned to the authority. The authority must then ensure publication on its website (or another suitable website) not later than 30 September 2019 of the complete Annual Governance and Accountability Return, comprising Sections 1, 2 and 3, including notice of the conclusion of audit and any amendments made to the accounting statements as a result of the limited assurance review.

Publication of the Internal Audit Report is also recommended.

## PART ONE, Appendix Two

### ANNUAL GOVERNANCE AND ACCOUNTABILITY RETURN 2018-19

#### B. Parish meetings (where there is no parish council)



Please note that where a parish meeting chooses or is required to complete AGAR Part 3 a fee will be payable

## **SPECIAL REASONS**

**If any of these statements is true, the parish meeting must complete AGAR Part 3 PM**

4. The parish has only come into existence since 1 April 2015;
5. In relation to the financial year 2017/18, the external auditor:
  - a) has issued a public interest report in respect of the parish meeting or any entity connected with it;
  - b) has made a statutory recommendation to the parish meeting, relating to the parish or any entity connected with it;
  - c) has issued an advisory notice under paragraph 1(1) of Schedule 8 to the Audit and Accountability Act 2014 (“the Act”) (other than a notice that has subsequently been withdrawn);
  - d) has commenced judicial review proceedings under section 31(1) of the Act; or
  - e) has made an application under section 28(1) of the Act for a declaration that an item of account is unlawful (other than an application that has been withdrawn or in respect of which the court has refused to make the declaration); or
6. The court has declared an item of account unlawful after a person made an appeal under section 28(3) of the Act.

## **AGAR Part 1 PM for parish meetings with no income or expenditure**

Before 1 July 2019 the Chairman or Responsible Financial Officer (RFO) of the parish meeting must:

- 4) complete the certificate of exemption and declaration of no accounts (Part 1 PM, page 2), including:
  - a) a confirmation that no income was received nor expenditure incurred in 2018-19;
  - b) a statement of annual gross income in 2018-19 (0);
  - c) a statement of annual gross expenditure in 2018-19 (0);
  - d) a statement of balances held as at 31 March 2019;
  - e) the Chairman’s or RFO’s signature;
  - f) the date on which the certificate of exemption was signed;
  - g) the Chairman’s or RFO’s name, address, telephone number and email address; and
  - h) the name and address of the external auditor;
- 5) send the completed certificate of exemption to the external auditor; and
- 6) ensure that a copy of the completed certificate of exemption is published or placed on public display in the local area for a period of at least 14 days.

## **AGAR Part 2 for parish meetings with neither income nor expenditure exceeding £25,000**

Before 1 July 2019 the Chairman of the parish meeting must ensure that:

- 1) the certificate of exemption (Part 2 PM, page 3) is completed and includes:
  - a) a statement of annual gross income in 2018-19;
  - b) a statement of annual gross expenditure in 2018-19;
  - c) the signatures of the Chairman and the Responsible Financial Officer (RFO), who may also be the Chairman;
  - d) the date(s) on which the certificate of exemption was signed; and
  - e) the telephone number and email address of the Chairman or RFO;
- 2) the completed certificate of exemption is sent to the external auditor;

- 3) the internal audit report for 2018-19 (Part 2 PM, page 4) is completed, signed and dated by the internal auditor;
- 4) the annual governance statement (Part 2 PM, page 5: Section 1) is:
  - a) completed;
  - b) formally approved at a parish meeting, with date and minute reference inserted; and
  - c) signed by the Chairman;
- 5) summary accounting statements (Part 2 PM, page 6: Section 2) are
  - a) completed;
  - b) signed and dated by the RFO (or by the Chairman as RFO) prior to being presented for approval;
  - c) formally approved at a parish meeting with date and minute reference inserted; and
  - d) signed by the Chairman; and
- 6) copies of:
  - a) the completed certificate of exemption;
  - b) the completed, signed and dated annual internal audit report;
  - c) the completed, approved, dated and signed annual governance statement;
  - d) the completed, approved, dated and signed summary accounting statements;
  - e) an analysis of variances
  - f) a bank reconciliation;
  - g) notice of the period for the exercise of public rights; and
  - h) other information required by Regulation 15 (2) of the Accounts and Audit Regulations 2015

are published or placed on public display in the local area for a period of at least 14 days.

**AGAR Part 3 for parish meetings not seeking or not eligible for exemption from audit**

The Chairman of the parish meeting must ensure that, before 1 July 2019:

- 8) the internal audit report for 2018-19 (Part 3 PM, page 3) is completed, signed and dated by the internal auditor;
- 9) the annual governance statement (Part 3 PM, page 4: Section 1) is:
  - a) completed, with an explanation of any 'No' responses and a description of how the authority will address the weaknesses identified;
  - b) formally approved at a parish meeting of the authority, with date and minute reference inserted; and
  - c) signed by the Chairman;
- 10) the accounting statements (Part 3 PM, page 5: Section 2) are
  - a) completed;
  - b) signed and dated by the Responsible Financial Officer (RFO);
  - c) formally approved at a meeting of the authority with date and minute reference inserted; and
  - d) signed by the Chairman; and
- 11) the name of the parish meeting is entered in the box at the head of the External Auditor Report and Certificate (Part 3 PM, page 6: Section 3);
- 12) the RFO (or the Chairman as RFO) has set a date for the commencement of the period for the exercise of public rights;
- 13) copies of:

- a) the completed annual governance statement (Section 1), signed by the Chairman;
  - b) the accounting statements (Section 2) signed and dated by the RFO and Chairman;
  - c) the External Auditor Report and Certificate (Section 3) showing the name of the authority only;
  - d) a bank reconciliation as at 31 March 2019;
  - e) an explanation of any significant year-on-year variances in the accounting statements;
  - f) notification of the period for the exercise of public rights;
  - g) the Annual Internal Audit Report; and
  - h) any other documents requested by the auditor
- are sent to the external auditor.

14) copies of:

- a) the completed annual governance statement (Section 1), signed by the Chairman; and
  - b) the accounting statements (Section 2) signed and dated by the RFO (or by the Chairman as RFO) and by the Chairman
- are published or placed on public display in the local area for a period of at least 14 days, together with:
- e) notice of the period for the exercise of public rights; and
  - f) a declaration that the accounting statements are as yet unaudited.

Once the external auditor has completed and is able to give an opinion on the limited assurance review, the Annual Governance and Accountability Return PM including a completed Section 3 will be returned to the Chairman of the parish meeting. The Chairman must then ensure that, not later than 30 September 2019, the complete Annual Governance and Accountability Return PM, comprising Sections 1, 2 and 3, including notice of the conclusion of audit and any amendments made to the accounting statements as a result of the limited assurance review, is placed on public display in the local area for a period of at least 14 days.

Publication of the Internal Audit Report is also recommended.

## Section 2 - The Statement of Accounts

### Introduction

- 2.1. The Local Audit and Accountability Act 2014 and the Accounts and Audit Regulations 2015 require all authorities to prepare a statement of accounts for each financial year in accordance with proper practices. This guide presents the proper practices in relation to accounts that smaller authorities need to follow in preparing their annual accounts and follows the order set out in Section 2 of the Annual Governance and Accountability Return. To assist practitioners, a pro-forma Annual Governance and Accountability Return is available alongside this guide.
- 2.2. For smaller authorities the statement of accounts needs to be prepared in accordance with, and in the form specified in, any Annual Governance and Accountability Return required by these proper practices in relation to accounts. Smaller authorities with no financial transactions meet their responsibility to produce accounts by completing Part 1 of the Annual Governance and Accountability Return.
- 2.3. Section 2 of the Annual Governance and Accountability Return is a smaller authority's statement of accounts and takes the form of a summary income and expenditure account and a statement of balances. Where an authority's gross income or expenditure is not more than £200,000 for that year, or for either of the two immediately preceding financial years, the statement may take the form of a summary receipts and payments account.
- 2.4. An authority's statement of accounts needs to be in the form set out in Section 2 of the Annual Governance and Accountability Return. The figures entered in the relevant cells are the authority's receipts and payments for the year, or its income and expenditure, as appropriate. This guide assumes that most authorities maintain current records on a receipts and payments basis and convert these to income and expenditure at the year end, if necessary. Information and examples on the conversion process from receipts and payments to income and expenditure is provided in Section 5 and does not form part of proper practices.
- 2.5. All highlighted cells of the Annual Governance and Accountability Return need to be completed, including writing 'nil' or '0' in any cell that does not apply. Leaving cells blank may lead to questions by readers who may not be sure if the compiler intended a nil balance or whether an omission or error has occurred.
- 2.6. All figures in Section 2 of the Annual Governance and Accountability Return need to agree to the authority's primary accounting records. The RFO needs to be able to show



how the figures in the Annual Governance and Accountability Return reconcile to those in the cashbook and other primary accounting records. Members need to see this reconciliation when they are asked to approve the statement of accounts in the Annual Governance and Accountability Return. Interested persons inspecting the accounts have a legal right to inspect the accounting records and all books, deeds, contracts, bills, vouchers, receipts and other documents relating to those records, including this reconciliation.

- 2.7. The accounting statements present two years accounts for the authority, side by side. The prior year figures can be taken directly from the previous year's Annual Governance and Accountability Return or, if this is the first year of accounts, the prior year figures will all be £0.
- 2.8. The figures for the preceding financial year are shown in the first column so that members, local electors, residents and other interested parties can easily see any significant changes that have occurred during the current year and help to set the context in which the accounts need to be viewed.
- 2.9. Where an error has been identified in the prior year's accounts, after the external auditor's review, which has resulted in the carried forward figure in Line 7 being amended, then the corrected figure needs to be carried forward to the current year's Annual Governance and Accountability Return. The authority must clearly indicate that the prior year column in the accounting statements is 'Restated' and inform the external auditor.
- 2.10. Authorities that change the basis on which their accounts are presented, i.e. from income and expenditure to receipts and payments (or vice versa), need to ensure that the comparative accounts in the Annual Governance and Accountability Return are shown on a consistent basis and are reported in Section 2 of the Annual Governance and Accountability Return by adding the word 'Restated' at the top of the prior year column, and explained by means of a note to the auditor.
- 2.11. Authorities that participate in joint arrangements/committees must ensure that their own accounting records fully and accurately reflect the authority's appropriate share of joint arrangement/committee reserves, income, expenditure, assets and liabilities. Detailed guidance is given in Section 5 (paragraphs 5.131 to 5.136).

## Accounting statements

### Line 1: Balances brought forward

2.12. This cell shows the opening figure for the summary of the smaller authority's annual accounts. It is the closing balance carried forward from the previous year's accounting statements – see paragraph 2.19 above. The amount in the current year cell in Line 1 should be the same figure as the 'balances carried forward' figure in the prior year column at Line 7.

### Line 2: Precept or Rates and Levies

2.13. For precepting authorities, this cell shows the total precept received or receivable in the year. For internal drainage boards this cell shows the total of rates and special levies received or receivable in the year. This cell should contain only the value of precepts or rates and levies received or receivable in the year. Any other receipts, including grants, are to be included in Line 3.

### Line 3: Total other receipts

2.14. This cell shows the authority's total income or receipts for the year, less the precept or rates and levies figure shown in Line 2. It will therefore include any repaid investments and loans, any monies borrowed to finance projects, proceeds from the sale of fixed assets, fees, charges, and grants such as council tax support grant.

2.15. Compilers of the accounting statements must exclude from the figure shown in Line 3 the value of any transactions recorded in the authority's accounting records arising from daily cash management activities. These transactions include transfers between bank current and deposit accounts and other short-term deposits. It is correct to record such transactions in the cash book for control and reconciliation purposes. However, they are not reported in the accounting statements because these transfers do not represent either receipts or payments, or income or expenditure for the authority.

2.15A. 'Total other receipts' for the year should include the Community Infrastructure Levy passed to a local council under Regulation 59A of the Community Infrastructure Regulations 2010 and received by the authority, in the year in which it is received by the authority.

2.15B. 'Total other receipts' for the year should include all grants received by the authority, in the year in which they are received by the authority.

#### Line 4: Staff costs

2.16. This cell shows all the costs incurred by the authority in relation to the employment of its staff. It includes employment expenses which are benefits (for example, mileage and travel expenses) but it does not include payments made in respect of office expenses reimbursed to employees or the costs of engaging agency staff or consultants (these expenses form part of the amount shown in Line 6). Where the authority makes deductions for PAYE and National Insurance, and pays employer's contributions for NI and pensions, then staff costs should include payments to HM Revenue and Customs and any pension contributions.

#### Line 5: Loan interest/capital repayments

2.17. This cell shows the total of capital and interest payments made by the authority in the year. It includes repayment of loan principal, whether as part of a scheduled repayment plan or as a special payment, and interest arising from any borrowing including bank overdrafts and credit cards.

2.18. Authorities preparing income and expenditure accounts need to make a provision in their accounts for any accrued interest payable at the year-end in accordance with the terms of any loan. The accrued value of unpaid interest due would be shown in this cell.

#### Line 6: All other payments

2.19. This cell shows the authority's total expenditure or payments made in the year, less the total of the specific expenditure amounts shown in Lines 4 and 5. It will include the costs of purchasing fixed assets and undertaking capital projects as well as the costs of providing day to day services. Payments made in respect of investments and long term loans made need to be included, but not entries that result from daily cash management activities, such as transfers between bank current and deposit accounts or the making of short-term investments – see 2.14 above.

#### Line 7: Balances carried forward

2.20. This cell shows the closing figure for the balances of the authority after all of its financial transactions have been accounted for. The cell value is calculated by adding the amounts in Lines 2 and 3 to the balances brought forward in Line 1 and then deducting the sum of the amounts in Lines 4, 5 and 6.

### Line 8: Total value of cash and short-term investments

- 2.21. This cell shows the actual value of the authority's cash and short-term investments in the form of cash held, current and deposit accounts plus any short-term investments. The figure should be equal to the corresponding figure in the authority's cash book.
- 2.22. Short-term investments, which mainly include deposit and savings accounts typically provided by banks, are those that display the following characteristics:
- are denominated in pounds Sterling;
  - have a maturity of 12 months or less;
  - the whole of the original sum invested can, from the time that the investment is made, be accessed for use by the authority without any reduction; and
  - the authority has assessed the counterparty and is satisfied that the original sum invested is not subject to unreasonable risk.
- 2.23. For authorities preparing accounts on a receipts and payments basis, the figure in Cell 8 will be the same that shown at Cell 7. For other authorities a statement needs to be prepared explaining the difference by reference to the adjustments that have been made to convert the accounts to an income and expenditure basis, particularly accounting for debtors, creditors and provisions. Further information and examples on converting accounts from receipts and payments to income and expenditure are provided in Section 5.
- 2.24. The authority will need to reconcile this figure to its year-end bank account statements and submit the reconciliation to the external auditor. Further information on bank reconciliations can be found in Section 5.

### Line 9: Total fixed assets plus long-term investments and assets

- 2.25. This cell shows the value of all the long-term assets the authority owns. It is made up of its fixed assets and long-term investments. The term fixed assets means the property, plant and equipment used by the authority to deliver its services. A long-term investment arises where the authority invests money in anything other than a short-term investment.
- 2.26. Authorities need to maintain a register of the fixed assets, long-term investments and other non-current assets that they hold.
- 2.27. The value of the cell at Line 9 is taken from the authority's asset register which is up to date at 31 March and includes all capital acquisition and disposal transactions recorded in the cash-book during the year. Long term loan assets should be included at the amount originally advanced, less any subsequent repayments. Authorities need to apply

a reasonable approach to asset valuation which is consistent from year to year. Where an authority changes its method of asset valuation during a financial year, it will need to restate the prior year's figure in Line 9 of the Annual Governance and Accountability Return.

2.28. Further information on fixed assets and long-term investments can be found in Section 5.

#### Line 10: Total borrowings

2.29. This cell shows the outstanding capital balance of all borrowings from third parties at the end of the year, including all loans but excluding bank overdrafts. Authorities need to maintain a record of all borrowings and similar credit arrangements entered into, other than temporary bank overdrafts. Further information can be found in Section 5.

#### Line 11: Disclosure note re Trust funds (local councils only)

2.30. This cell requires a local council only to answer 'yes' or 'no' to whether it acts as sole trustee for, and is responsible for managing, Trust funds or assets. The council needs to ensure that the accounting statements in Section 2 of the Annual Governance and Accountability Return do not include any Trust transactions or balances (see paragraph 1.41 above).

#### Signature of Responsible Finance Officer

2.31. Notwithstanding who prepared the statement of accounts, it is the responsibility of the authority's RFO to certify it as either presenting fairly the financial position of the authority or properly presenting its receipts and payments, as the case may be. In so certifying the RFO confirms that proper practices have been followed in preparing the statement of accounts.

#### Signature of Chairman

2.32. After the RFO has signed the statement of accounts, the members of the authority meeting as a whole need to consider it and approve it by resolution. Alongside the RFO's certificate, the person presiding at the meeting at which the statement of accounts is approved needs to confirm, by signing and dating the statement at the bottom of Section 2 of the Annual Governance and Accountability Return, that the accounts have been approved by the authority in accordance with the Accounts and Audit Regulations 2015.

2.33. The authority needs to ensure that the accounting statements are signed by the RFO and approved by the authority, by the latest date in order for the RFO to comply with

the duty to commence the period for the exercise of public rights so that it includes the first ten working days of July.

### Accompanying information

2.34. There is no provision in the Annual Governance and Accountability Return (AGAR) for additional notes to explain and expand on the figures shown in the accounting statements. To address this, authorities need to provide the following accompanying information to the external auditor, where Part 3 of the AGAR is subject to review by the external auditor:

#### **Explanation of variances**

2.35. Authorities need to understand the changes in income and expenditure from year to year and their significance. The RFO needs to produce an explanation of significant variances in annual levels of income, expenditure and balances shown in Section 2 of the Annual Governance and Accountability Return that provides a sufficiently detailed and meaningful analysis and explanation of the reasons for the change.

#### **Bank Reconciliation.**

2.36. The year-end bank reconciliation (see paragraph 1.10 above) needs to be provided to the external auditor together with the Annual Governance and Accountability Return and other accompanying documentation.

2.37. The external auditor may request that other information is provided to support their review of the Annual Governance and Accountability Return. The authority needs to comply with any such requests.

2.36A. Where an authority meets the criteria and wishes to certify itself exempt from a limited assurance review, it needs to submit a copy of the exemption certificate to the external auditor.

2.38. Supporting information on completion of the accounting statements can be found in Section 5.

## Section 3: Proper practices in relation to accounts for a smaller authority that has decided to prepare accounts and be audited as a full audit authority

### Introduction

- 3.1. Regulation 8(1) of the Local Audit (Smaller Authorities) Regulations 2015 allows smaller authorities with annual turnover exceeding £25,000 to decide to prepare a statement of accounts and be audited as if it were a relevant authority that is not a smaller authority. This is defined in the Regulations as a 'full audit authority'.
- 3.2. For the purposes of the Accounts and Audit Regulations 2015, a full audit authority is treated as a Category 1 authority.
- 3.3. Regulation 7 of the Accounts and Audit Regulations 2015, requires a Category 1 authority to prepare a statement of accounts in accordance with the regulations and proper practices in relation to accounts. Regulation 5 requires a Category 1 authority to prepare an annual governance statement in accordance with proper practices in relation to accounts.
- 3.4. The proper practices in relation to accounts for a full audit authority are set out in this guidance issued by JPAG.

### Proper practices – Statement of accounts

- 3.5. JPAG recommends that, for financial years commencing on or after 1 April 2016, a full audit authority should follow the proper accounting practices found in UK GAAP (FRS 102) issued by the Financial Reporting Council<sup>2</sup>.
- 3.6. Alternatively, a full audit authority may adopt as proper practices the Code of Practice on Local Authority Accounting in the UK issued by CIPFA/LASAAC.

### Proper practices – Annual governance statement

- 3.7. JPAG recommends that a full audit authority should follow *Delivering Good Governance in Local Government: Framework*, published by CIPFA and SOLACE in 2007 and its subsequent addendum, published in 2012, which provides an updated example annual governance statement. A full audit authority may also wish to refer to *Delivering good governance in local government: A guidance note for English authorities*, published by CIPFA/SOLACE in 2012, which is intended to assist authorities in reviewing

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<sup>2</sup> The Financial Reporting Standard for Smaller Entities (the FRSSE) has been withdrawn for financial years commencing on or after 1 January 2016.

their governance arrangements and can be used in conjunction with the Framework and the addendum.

- 3.8. Alternatively, a full audit authority may use the annual governance statement in Section 1 of the Annual Governance and Accountability Return (see Section 1 of this guide and the pro-forma Annual Governance and Accountability Return available alongside this guide).



## Section 4: Non-statutory guidance for internal audit at smaller authorities

### Introduction

- 4.1. A smaller authority is required by Regulation 5(1) of the Accounts and Audit Regulations 2015 to 'undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance.'
- 4.2. The public sector internal audit standards, issued in 2013, have not been applied to smaller authorities. The information in this section of the Practitioners' Guide is therefore the non-statutory 'guidance' referred to in Regulation 5(1), and needs to be taken into account by smaller authorities in undertaking an effective internal audit.

### Overview of internal audit

- 4.3. Internal auditing is an independent, objective assurance activity designed to improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.
- 4.4. The purpose of internal audit is to review and report to the authority on whether its systems of financial and other internal controls over its activities and operating procedures are effective.
- 4.5. The internal audit function must be independent from the management of the financial controls and procedures of the authority which are the subject of review. The person or persons carrying out internal audit must be competent to carry out the role in a way that meets the business needs of the authority. It is for each authority to decide, given its circumstances, what level of competency is appropriate, and to keep this issue under review.
- 4.6. Internal audit is an on-going function, undertaken regularly throughout the financial year, to test the continuing existence and adequacy of the authority's internal controls. It results in an annual assurance report to members designed to improve effectiveness and efficiency of the activities and operating procedures under the authority's control. Managing the authority's internal controls is a day-to-day function of the authority's staff and management, and not the responsibility of internal audit.
- 4.7. Internal audit does not involve the detailed inspection of all records and transactions of an authority in order to detect error or fraud.

## Appointing an internal audit provider

- 4.8. It is a matter for the authority to determine how best to meet the statutory requirement for internal audit, having regard to its business needs and circumstances.
- 4.9. There are two key principles an authority should follow in sourcing an internal audit provider: independence and competence.

### Independence

- 4.10. Independence requires the absence of any actual or perceived conflict of interest. It means that whoever carries out the internal audit role does not have any involvement in or responsibility for the financial decision making, management or control of the authority, or with the authority's financial controls and procedures.
- 4.11. It follows, for example, that the circumstances in which a member could demonstrate that they are sufficiently independent of the financial decision making and procedures of the authority are difficult to envisage. Such a member would need to exclude themselves entirely from key financial decisions by the authority in order to maintain their independence. Similarly, it would not be appropriate for any individual or firm appointed by the authority to assist with the authority's accounting records, preparation of financial statements or the Annual Governance and Accountability Return, to be also appointed to undertake the internal audit function. Conflicts of interest must be avoided, such as in cases where an external provider of accounting software or services to the authority, also offers internal audit services through an associate company, firm or individual.

### Competence

- 4.12. There is no requirement for a person providing the internal audit role to be professionally qualified, but essential competencies to be sought from any internal audit service include:
- understanding basic book-keeping and accounting processes;
  - understanding the role of internal audit in reviewing systems rather than undertaking detailed checks that are more appropriately the responsibility of management;
  - awareness of relevant risk management issues; and
  - understanding proper practices in relation to governance and accounting requirements within the legal framework and powers of smaller authorities, as set out in this guide (possession of which is a prerequisite).

- Awareness of relevance of VAT and PAYE/NIC as applied to the authority.

4.12a Additional evidence as to competency might also include the possession of professional indemnity insurance cover.

4.13. There are various ways for an authority to source an internal audit service, for example:

- Appointing a local individual or a member of a panel of individuals administered by a local association or branch of NALC, SLCC or ADA. An individual will need to demonstrate adequate independence and competence to meet the needs of the authority.
- Engaging a competent internal auditor with sufficient organisational independence and status to undertake the role.
- Purchasing an internal audit service from a principal local authority.
- Purchasing an internal audit service from a local firm or specialist internal audit practice. The firm needs to have an understanding of the local government legal framework and a number of professional firms offer a service to public bodies, authorities and commercial companies. For the largest authorities a specialist contractor appointment may be appropriate.

### Scope of internal audit

4.14. It is a matter for the authority and its internal auditor to determine the necessary scope and extent of its internal audit. When securing an internal audit service, the authority should make sure that it is proportionate to the needs, size and the circumstances of the authority.

4.15. The work of internal audit should be subject to an engagement letter on first appointment by the authority, setting out the terms of the appointment. Engagement terms may include:

- roles and responsibilities;
- audit planning;
- reporting requirements;
- assurances around independence and competence;
- access to information, members and officers;
- period of engagement;
- remuneration; and

- any other matters required for the management of the engagement by the authority.
- 4.16. Each authority should set out its key financial and other controls, usually in the form of standing orders, financial regulations and risk assessments. The scope of internal audit must remain commensurate with, and adequately reflect, the scope and range of services for which the authority is responsible, and the assets under its control.
- 4.17. The internal audit programme must address the particular needs of each authority and the risks to which it is subjected. Internal audit's function is to test and report to the authority on whether its specific system of internal control is adequate and working satisfactorily.

### Annual internal audit report

- 4.18. The duties of internal audit relate to reporting on the adequacy and effectiveness of an authority's system of internal control. The minimum reporting requirement for internal audit to the smaller authority is met by completing the annual internal audit report on page 5 of the Annual Governance and Accountability Return. Internal audit may also report in greater detail to the authority as required.
- 4.19. The annual internal audit report focuses on internal control objectives covering an authority's key financial and accounting systems and governance arrangement and concludes whether, in all significant respects, the internal control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of the authority.
- 4.20. The annual internal report will inform the authority's response to assertions 2 and 6 in the annual governance statement.

### Reviewing internal audit

- 4.21. Authorities should, at least annually, carry out a review of the effectiveness of their overall internal audit arrangements. Any review should balance the authority's internal audit needs and usage. It should be designed to provide sufficient assurance for the authority that standards are being met and that the work of internal audit is effective. Authorities judge the extent and scope of the review by reference to their own individual circumstances.
- 4.22. The review should be designed to assure the authority that it has maintained the standards of an adequate and effective internal audit of its risk management, control

and governance processes. It should include, as a minimum, making an assessment of each of the following:

- the scope of internal audit;
- independence;
- competence;
- relationships with the clerk and the authority; and
- audit planning and reporting.

4.23. The review should be undertaken by the authority. It cannot be undertaken by the external auditor or as part of the external auditor's review of the Annual Governance and Accountability Return, nor can it be delegated to an officer. Clearly it cannot be undertaken by internal audit, although it is good practice to seek their involvement in the process. Authorities may wish to set up a small working party to carry out the review or utilise an existing committee. Whatever approach is followed, the results should be reported to a full meeting of the authority.

4.24. There is no single approach to review of internal audit that will suit all authorities. Much will depend upon the size of the authority and arrangements it already has in place for conducting the wider review of its system of internal control and risk management generally. The areas described above in paragraph 4.22 will normally be the starting point, but the effectiveness of internal audit should not be judged solely by the extent of compliance with expected standards. The review is primarily about effectiveness, not process. In essence, the focus of this review should be on the quality of delivery of the internal audit service, i.e. reliable assurance about the authority's internal controls and its management of risk.

4.25. As with any review, it should be evidence based. Wherever possible this should be gathered throughout the year. Sources may include:

- previous review and action plan;
- annual report by internal audit;
- other reports from internal audit, including internal audit plan, monitoring reports, and the results of any investigations;
- any reports by the external auditor; and
- the results of any other external reviews of internal control.

4.26. If the review identifies any areas for development or change in internal audit, an action plan should be produced for the authority to manage the remedial process. The action plan should set out the areas of improvement required, any proposed remedial

actions, the people responsible for delivering improvement, and the deadlines for completion of the actions.

# Governance and Accountability for Smaller Authorities in England

**Section 5: Supporting information and practical examples**

**March 2019**

## Section 5: Supporting information and practical examples

### Introduction

- 5.1. Sections 1, 2 and 3 of the Practitioners' Guide (the Guide) issued by the Joint Panel on Accountability and Governance represent the proper accounting and governance practices (*'proper practices'*) referred to in statute. They set out for responsible financial officers (RFOs) the appropriate standard of financial and governance reporting for smaller authorities and are mandatory.
- 5.2. Section 4 of the Guide sets out the non-statutory guidance relating to internal audit which smaller authorities are required to take into account.
- 5.3. This section of the Guide contains supporting information and practical examples to support practitioners in complying with proper practices as set out in Sections 1 and 2 of the Guide. As Section 5 is not part of proper practices, it cannot and does not set any mandatory requirements in respect of the Annual Governance and Accountability Return. It does however include references to statutory requirements where appropriate, such as the requirements around making provision for the exercise of public rights.
- 5.4. This section of the Guide follows the order of Sections 1 and 2, with supporting information relating to the annual governance statement preceding supporting information on the accounting statements.
- 5.5. General information about smaller authorities and their responsibilities can be found on the following websites:  
[National Association of Local Councils](#)  
[Society of Local Council Clerks](#)  
[Association of Drainage Authorities](#)
- 5.6. In accordance with Section 6 of the Local Audit and Accountability Act 2014, an authority is a 'smaller authority' for a financial year if the higher of the authority's gross income for the year and its gross expenditure for the year does not exceed £6.5 million for that year or either of the two previous years. This section of the Guide uses the term 'authority' to refer to all types of smaller authority.



## Annual governance statement

### AGS assertion 1: Financial management and preparation of accounting statements

#### Budgeting

- 5.7. The preparation of an annual budget is one of the key statutory tasks to be undertaken by an authority, irrespective of its size. The budget has three main purposes:
- it results in the authority setting the precept for the year (or rates and special levies for IDBs);
  - subject to the authority's Financial Regulations, it gives the clerk and other officers overall authority to make spending commitments in accordance with the plans approved by members; and
  - it provides a basis for monitoring progress during the year by comparing actual spending against planned spending.
- 5.8. It is essential that authority members understand how the budget is put together and how it should be used in the running of the authority. Reviewing the budget against actual expenditure regularly gives members early warning about the likelihood of a shortfall (or surplus) and helps them to decide what responsive action to take.
- 5.9. The key stages in the budgeting process are:
- decide the form and level of detail of the budget;
  - review the current year budget and spending;
  - determine the cost of spending plans;
  - assess levels of income;
  - bring together spending and income plans;
  - provide for contingencies and consider the need for reserves;
  - approve the budget;
  - confirm the precept or rates and special levies; and
  - review progress against the budget regularly throughout the year.

#### Accounting records and supporting documents

- 5.10. All authorities, other than parish meetings where there is no parish council, need to appoint an officer, the RFO, to be responsible for the financial administration of the authority in accordance with section 151 of the Local Government Act 1972. The clerk to the authority is often also appointed as the RFO, but this is not automatically the case. The authority should formally determine in whom the responsibility vests, recognising that there are particular risks that arise in the unusual circumstances where an elected member is appointed (unpaid) as the RFO. Decisions about appointing the RFO should always be the subject of a full risk assessment and consideration evidenced in the minutes. The proper segregation of duties means that the Chairman of the authority or of the Finance Committee should never be appointed (even on a short-term basis) either as Clerk or as RFO, except that the Chairman of a parish meeting (where there is no parish council) is required to keep its accounts by Section 150(6) of the Local Government Act 1972.
- 5.11. The appointment of an RFO does not mean that members then have no responsibility for the financial health of the authority. On the contrary, members continue to be

accountable for ensuring that the authority does not live beyond its means, but the RFO takes on the duty of designing and implementing the accounting arrangements that will assure members that finances are being properly managed.

- 5.12. [Regulation 4 of the Accounts and Audit Regulations 2015](#) sets out the duties of the RFO and requirements relating to accounting records and financial control systems.
- 5.13. The RFO is responsible for determining, on behalf of the authority, the form of its accounting records and supporting records and its financial control systems. The RFO must also ensure, on behalf of the authority, that the financial control systems are observed and that the accounting records of the authority are kept up to date.
- 5.14. The accounting records must contain:
  - entries from day to day of all sums of money received and expended by the authority and the matters to which its income and expenditure or receipts and payments relate; and
  - a record of the assets and liabilities of the authority.
- 5.15. It is also good practice for the accounting records to contain a record of income and expenditure by the authority in relation to claims made for contribution, grant or subsidy from a government department or other public body.
- 5.16. The financial control systems must include:
  - measures to ensure that the financial transactions of the authority are recorded as soon as, and as accurately as, reasonably practicable;
  - measures to enable the prevention and the detection of inaccuracies and fraud, and the reconstitution of any lost records;
  - measures to ensure that risk is appropriately managed; and
  - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers.
- 5.17. It is also good practice for the financial control systems to include procedures for uncollectable amounts, including bad debts, only to be written off with the approval of members or, under delegated authority, the RFO and for the approval to be disclosed in the accounting records.
- 5.18. The basic record of receipts and payments is always the starting point of an accounting system and the majority of internal controls will work back to that record. A successful accounting system requires that the basic cash book is kept up to date and balances are regularly verified against a bank statement or the actual cash in the petty cash tin. This record will also agree with the supporting vouchers, invoices or receipts. Even though the arithmetic may be automatic on a computer based system it is necessary to check that the additions and balancing are correct. Where there is a computer based system, the reliability of information reported by the system depends on the quality and accuracy of data input, and how it is then processed, and so tests of the integrity of data input and processing should be considered. A member or officer may do the checking or verification.
- 5.19. Manually kept books of account, or an effective computerised accounting system, should provide the basis for the accounting statements, in that the accounting statements are compiled from the information recorded in the books. But the books of account are important in themselves in the running of the authority throughout the year. A good set of books will allow an authority to appreciate at any time:

- the amounts that it has spent in the year, the income it has received and its financial commitments;
- whether, in the light of this information, its spending plans for the rest of the year are still affordable; and
- the assets that it owns (for example, land, buildings, vehicles, investments, cash) and the liabilities that it owes (for example, outstanding payments for goods and services, borrowings).

5.20. The record of the assets and liabilities of the authority required by Regulation means in practice the asset and investment register and record of loans and other debts.

### Bank reconciliation

5.21. The most important accounting record maintained by authorities will be the cash book which is a register of all the payments made and receipts taken in by the authority. There may be a temptation to rely on the bank statement as a record of cash transactions. However, a cash book is essential because the statements provided by the bank will not necessarily be a reliable record of the authority's cash balances because:

- the bank can make errors and omissions in processing transactions – the authority needs its own records to provide a check on the bank statement;
- while electronic payments and receipts are instant, there can be considerable timing differences between, say, writing cheques to other parties and their being cashed by the bank, and between receiving income and it being credited to the authority's account once paid in; and
- the bank statement takes time to catch up with the actual cash flows of the authority and does not provide an up-to-date position.

5.22. The up to date cash book, therefore, provides the most accurate record of all income received and payments made, including cheques drawn.

5.23. Bank statements are important documents as they are evidence provided by an independent party of the state of the authority's cash balances. They contrast with the cash book, which is the authority's own record of its cash position. It is consequently an invaluable exercise to compare the balances on the bank statement with the balance in the cash book at any particular date and understand the reasons for any differences between them. This will reveal whether there are any errors, omissions or discrepancies in either the bank records or the cash book (for example, cheques drawn properly have been known to be altered by recipients before being banked).

5.24. The bank reconciliation is a key tool for management as it assists with the regular monitoring of cash flows which aids decision-making, particularly when there are competing priorities. The year-end bank reconciliation is particularly important as it will provide evidence to support the total cash and short-term investments balance shown in Line 8 in Section 2 of the authority's Annual Governance and Accountability Return. As bank statements may be made up to different dates in the month, care should be taken, particularly at year-end, to ensure that the statement being reconciled includes balances as at 31 March.

5.25. Bank reconciliations should be performed on a regular basis and cover each of the authority's bank accounts. Most commonly, authorities will operate a current account through which most transactions are made, and possibly one or more deposit accounts. Some authorities will carry out a reconciliation every time they receive a

bank statement, which is good practice as it identifies bank errors early on. It is for each authority to decide how regularly it wants to receive the assurance that a successful reconciliation can provide. Reconciling the cash book to bank statements should be reported to members, and the full reconciliation made available for their scrutiny each time it is done. Approval of the bank reconciliation by the authority or the chair of finance or another authority nominee is not only good practice but it is also a safeguard for the RFO and may fulfil one of the authority's internal control objectives.

5.26. There is a limited number of reasons for differences between bank statements and the cashbook, and most authorities will be able to use a standard layout for the bank reconciliation. The common reasons are:

- transactions in the bank statement that are not recorded in the cash book – this may include interest payable and bank charges, direct debits, standing orders and other automated payments that have been omitted from the cash book. None of these is an item for the reconciliation. Instead, the cash book should be updated to record all of these transactions, and the resulting balance is then brought into the reconciliation. They can, therefore, never fall for inclusion as reconciling items.
- unpresented cheques – payments are recorded in the cash book when the authority commits itself to making them, usually by handing over a cheque, putting a cheque in the post or completing the instructions for an automated payment; the balance on the bank account will not reduce until several days later when the cheque or instruction is received by the bank and processed. Unpresented cheques therefore need to be deducted from the bank statement balance in the reconciliation.
- payments into the bank which are outstanding (sometimes referred to as 'cash in transit') - receipts are recorded in the cash book when they come into the possession of the authority; however, they will not be recognised on the bank statement until after cash is banked or cheques are cleared. Payments into the bank which are outstanding from the bank statement therefore need to be added to the bank statement balance in the reconciliation.

5.27. A standard layout for a financial year-end bank reconciliation can be found in Appendix 1 on page 69.

### Investments

5.28. It is unusual for an authority to hold its reserves other than in the form of easily accessible bank deposits or other short-term investments (see paragraph 2.21 in Section 2 of the Guide for a definition). Occasionally, circumstances require authorities to consider making other types of investments, for example when saving for a future capital project or while deciding how to apply the proceeds of an asset sale or a donation.

5.29. In deciding whether it is appropriate to make long-term investments, the authority should follow the [Guidance on local government investments issued by MHCLG with effect from 1 April 2018](#).

5.30. The authority's investment strategy will set out management arrangements for the investments held and procedures for determining the maximum periods for which funds may prudently be committed. The strategy should ensure and demonstrate that the authority has properly assessed the risk of committing funds to longer term

investments and complies with legislative requirements. Long-term investments in assets whose capital values may fluctuate carry considerable risks and require active management. Investment management is a specialist area. Authorities may wish to seek independent professional assistance when developing their investment strategy.

## Reserves

5.31. As with any financial entity, it is essential that authorities have sufficient Reserves (General and Earmarked) to finance both its day to day operations and future plans. It is important, however, given that its funds are generated from taxation/public levies, that such reserves are not excessive.

5.32. General Reserve

The generally accepted recommendation with regard to the appropriate **minimum** level of a Smaller Authority's **General Reserve** is that this should be maintained at between three (3) and twelve (12) months **Net Revenue Expenditure (N R E)**.

Net Revenue Expenditure (subject to any planned surplus or deficit) is effectively Precept\Levy less any Loan Repayment and/or amounts included in Precept\Levy for Capital Projects and transfers to Earmarked Reserves.

The reason for the wide range (3 to 12 months) is to cater for the large variation in sizes of individual authorities. The smaller the authority the closer the figure should be to 12 months N R E, the larger the authority the nearer to 3 months. In practice, any authority with an N R E in excess of £200,000 should plan on 3 months equivalent General Reserve.

In all of this it is important that each authority adopt, as a General Reserve policy, the level appropriate to their size and situation and plan their Budget so as to ensure that the adopted level is maintained. Changes in activity levels/range of services provided will inevitably lead to changes in the requisite minimum level of General Reserve in order to provide working capital for those activities.

5.33. Earmarked and Other Reserves

None of the above in any way affects the level of Earmarked and/or Capital Receipts Reserves (EMR/CRRs) that a authority may or should hold. There is, in practice, no upper or lower limit to EMR/CRRs save only that they must be held for genuine and intended purposes, and their level should be subject to regular review and justification (at least annually), and should be separately identified and enumerated.

Significant levels of EMRs in particular may give rise to enquiries from Internal and/or External Auditors.

## AGS assertion 2: Internal Control

### Standing Orders and Financial Regulations

- 5.34. The first step in establishing a financial system is to identify the general rules applicable at authority or committee meetings and in carrying out the authority's business. These are set out in the authority's Standing Orders, Financial Regulations and other internal instructions. Model versions of Standing Orders and Financial Regulations are provided by NALC and ADA.
- 5.35. Standing Orders must include provisions for securing competition and regulating the manner in which tenders are invited. To comply with these requirements, authorities should set within their Financial Regulations a limit for the purchase of goods and services above which three estimates or quotes should be invited from persons or firms competent to do the work. Standing Orders will state a higher value above which competitive tenders in sealed envelopes should be invited. It is the responsibility of authorities to determine their own limits that are most appropriate to local circumstances.
- 5.36. As far as possible, a fully priced official order should be sent to suppliers in advance of delivery of goods. Official orders both commit a supplier to a price and help prevent unauthorised credit being granted in the authority's name. On receipt of invoices, verification that the relevant goods or services have been received should be obtained and invoices checked to ensure that the arithmetic is correct, agreed discounts have been deducted and everything is acceptable regarding reclaiming the VAT. Practitioners should keep up to date with VAT Guidance issued by HM Revenue and Customs.
- 5.37. Procedures for the management of capital projects should also be covered by Standing Orders which should require payments only against certified completions under a planned and approved programme of works governed by a properly negotiated contract supervised by a named authority officer.

### Safe and efficient arrangements to safeguard public money

#### **Accounts for payment**

- 5.38. The payments process should always be carried out in accordance with the authority's Financial Regulations. Cheques and other payments should only be released once confirmation has been obtained that adequate funds are available. All payments made since the last meeting should be reported to the next authority meeting. Members should never sign blank cheques or authorise funds transfers which are presented to them unsupported by the appropriate documentation.
- 5.39. The authority should develop specific control procedures for any payments by bank transfer, or other electronic means, taking into account the risks brought about by the ease and speed of these transactions and the difficulties faced in unravelling them should they go wrong.
- 5.40. If there is any doubt as to how much the authority owes to one of its regular suppliers, the supplier should be asked to send a statement of the authority's account. It would be appropriate to request statements as at 31 March each year to assist with the preparation of the Annual Governance and Accountability Return.

#### **Receipts**

- 5.41. Cash and cheques should be entered into the cash book on the date of receipt and banked promptly and intact (i.e. without any of the cash being kept back for spending).

Practitioners should be aware that some receipts may require VAT to be accounted for and paid over by the authority, particularly where sales of items are involved and certain thresholds have been reached. Once again, the RFO should be familiar and up to date with the rules governing such transactions. These are published by HM Revenue and Customs and accompanied by guidance for practitioners.

### **Cash**

- 5.42. Before finalising and adopting procedures and internal control systems involving cash, the RFO should always check the requirements of insurers under Fidelity Guarantee insurance cover arrangements, which may well specify the amount, location and minimum security arrangements required regarding the handling of cash or bank balances.
- 5.43. The number of petty cash floats should be kept to a minimum and should not be used when an official order is more appropriate. The floats should be adequate in size to meet small items of expenditure and should not require reimbursement more frequently than once a month. Adequate records of the receipts and payments should be maintained for each float, including a VAT analysis, and regular reconciliation performed, usually with such regularity that successful reconciliation can be reported at each authority meeting.

### **Debt collection**

- 5.44. Effective debt collection is an essential part of proper financial management. Authorities should ensure that invoices raised are paid promptly or that appropriate recovery action has been taken.
- 5.45. Debt monitoring arrangements should be in place covering all activities of the authority which involve receiving payment. For example, if the authority rents out a number of allotments, a separate record may be appropriate for that purpose. The record would need to include details of the person who owes the debt, the amount, any arrears brought forward at the start of the accounting period, amounts due in the year, amounts paid in the year, any debts written off, and a note of the current state of any recovery action taken.
- 5.46. At the end of each year, the record will need to be reconciled to ensure that the figures for arrears brought forward plus new amounts due, less new receipts and write-offs, balances to the total arrears to be carried forward.
- 5.47. Irrecoverable debts should be written off, after full consideration of the possibilities for, and the likely costs of, pursuing the debt. Uncollectible amounts, including bad debts, should only be written off with the approval of members, or under delegated authority, by the RFO. The approval should be shown in the accounting records.

### **Employment**

- 5.48. Authorities with any employees are, by definition, employers and are required to apply Pay as You Earn (PAYE). PAYE taxes and employee and employer National Insurance contributions (NIC) should be calculated and recorded for every employee. Deductions should be paid to HMRC on or before the date prescribed. In addition, the general requirements of employment law apply but are not within the scope of this Guide.
- 5.49. HMRC guidance setting out the correct income tax and NIC treatment of parish clerks is set out in the [HMRC Employment Income Manual](#). This guidance confirms that a



parish clerk is an office holder and that all office holders are subject to PAYE. This means that parish clerks:

- can never be considered as self-employed for tax or NIC purposes;
- cannot be paid 'gross'; and
- fall to be taxed under PAYE.

- 5.50. HMRC guidance confirms that where the RFO is a separate appointment, the RFO is also an office holder and is subject to the same income tax and NIC rules as the clerk.
- 5.51. Authorities should pay particular attention to situations where contractors are engaged to carry out the authority's services. Occasions may arise when contractors cease to be self-employed and become employees for tax purposes. Authorities should refer to [HMRC's Employment Status Indicator Tool](#) for further information.
- 5.52. As part of risk management arrangements, written confirmation should be sought from HMRC to ensure that payments for services are being correctly treated; otherwise authorities may find themselves with unexpected and significant liabilities to pay income tax and employers NIC. Care should also be taken when making any payments of expenses or allowances to non-employees, for example authority members, which should also be considered as falling within the scope of PAYE.
- 5.53. All employers are required by law to take out employers' liability insurance and decide the appropriate level of fidelity guarantee insurance. All cover should be risk based and kept under constant review to make sure it adequately reflects changes in circumstances.
- 5.54. Authorities should have regard to guidance on employment matters issued jointly by NALC and SLCC, or by ADA.

## VAT

- 5.55. This can be a complex area and authorities are advised to refer to [guidance issued by HMRC](#).
- 5.56. Information on how to account for VAT in Section 2 of the Annual Governance and Accountability Return can be found at paragraphs 5.129 and 5.130 above.

## Fixed assets and equipment

- 5.57. If the assets it owns or for which it is responsible are not being managed properly the authority is exposed to the risk of financial loss relating to:
- improper asset management – without the right management information, outdated patterns of use may run on unchallenged or unnoticed;
  - improper asset usage and maintenance – assets may not be fit for purpose, be underused or so out-of-date as to be incapable of satisfactory modernisation. Equally they may be capable of alternative, additional or more intensive use or be readily saleable. These opportunities may be missed where no comprehensive information on assets is available; and
  - asset ownership – the continued ownership of assets may be overlooked altogether and risks unmanaged.
- 5.58. These risks are most likely to be realised when information is poor. In particular where information about assets is not available or is out-of-date. The risk of financial loss can be greatly reduced by setting up an asset register which holds all the information needed.



5.59. An asset register is the starting point for any system of financial control over assets as it:

- facilitates the effective physical control over assets;
- provides the information that enables the authority to make the most cost effective use of its capital resources;
- ensures that no asset is overlooked or underutilised and is therefore used most efficiently;
- pools all the information available about each asset from across the authority and makes it available to every part of the authority;
- provides a record of the sources of evidence used to support the existence and valuation of assets to be covered by insurance;
- supports the Annual Governance and Accountability Return entry for capital assets by collecting the information on the cost or value of assets held; and
- forms a record of assets held for insurance purposes.

5.59a. The key information needed in the asset register is:

- dates of acquisition, upgrade and disposal (it is useful to keep a record of disposed assets as an asset management tool);
- costs of acquisition and any expenditure which increases the life of the asset;
- if proxy cost is used for first valuation, a note of the method used for valuation and details of any professional advice received;
- useful life estimate;
- location;
- responsibility (it may be appropriate to assign responsibility for each asset to members of staff);
- present use and capacity, for example in terms of site area, internal floor areas, and measures of occupancy and/or usage;
- corresponding periodic measures of usage or occupation;
- any available indications of asset value and condition; and
- any regular charges for usage or occupancy.

5.60. Most assets should be first recorded in the asset register at their actual purchase cost. In some cases the purchase cost may not be known at acquisition or first recording and so a proxy cost may be substituted. A proxy cost is a value for the asset which is an estimate of its value by the authority which is based on external professional advice. Authorities may apply the insurance value of the asset at the time of first recording as a proxy. A proxy cost may be applied at the time of acquisition or first recording of an asset in the asset register only where the cost/value is not known.

5.61. In the special case where an authority receives an asset as a gift at zero cost, for example by transfer from a principal authority under a community asset transfer scheme, the asset should be included in the asset register with a nominal one pound (£1) value as a proxy for the zero cost. The use of the £1 proxy is particularly important in cases where an authority operates an asset registration system that requires a positive value for every asset. Any costs of bringing gifted assets into productive use should be expensed as revenue items.

5.62. Many authorities own assets that do not have a functional purpose or any intrinsic resale value (for example, a village pond or war memorial). These assets are often referred to as 'community assets'. Authorities should record community assets in the assets register in the same way as gifted assets.

5.63. The total value of an authority's assets recorded on the asset register as at 31 March each year is reported at Line 9 on the authority's Annual Governance and Accountability Return (see paragraphs 2.24 to 2.27 in Section 2 of the Guide and 5.145-5.149 below). It follows that users of the Annual Governance and Accountability Return may ask for details of the assets whose total value is reported at Line 9, including about the method of valuation applied and about any changes in value to previously recorded assets. Authorities should be able to track and explain fully any changes in the asset register from year to year.

#### Loans and long term liabilities

5.64. Authorities may borrow money temporarily for cash flow purposes to fund payments in advance of receiving money from precepts, rates and special levies, or other sources during the year. Such loans will normally be in the form of arranged overdraft facilities and will be repaid as the anticipated receipts materialise.

5.65. Long-term loans will normally be associated with capital projects and these require borrowing approval before they can be arranged. For local councils, this is obtained by applying to the relevant Association of Local Councils, which act for the government in this regard. For IDBs, this is obtained from the Secretary of State for Environment, Food and Rural Affairs, in accordance with section 55 of the Land Drainage Act 1991.

5.66. Capital projects need to be managed carefully and authorities should ensure that accurate forecasts are made of the amounts and timings of future payments and receipts so that cash flow can be managed and the authority can be confident that the project can be afforded both in the short and longer term. Full financial appraisals are likely to be required before any borrowing or public grant approval is given.

5.67. Traditionally loans are obtained from the Public Works Loans Board (PWLB). Where other lenders or alternative forms of financing are being considered, authorities need to seek professional advice to ensure that they are properly informed of the risks and benefits and aware of all the implications.

## AGS assertion 3: Compliance with laws, regulations and proper practices

### Acting within its powers

- 5.68. Authorities in England operate within a legal framework which provides them with the necessary statutory powers and authority to deliver local public services. Authorities and their clerks/chief executives/RFOs should always be aware of, and have regard to, the legal power they are exercising when deciding on any action including to spend public money.
- 5.69. The clerk/chief executive is the authority's Proper Officer and the primary source of advice to the authority as they prepare to make decisions requiring the exercise of their legal powers. It would be unreasonable for an authority to make a decision when it as an entity does not, or members individually do not, understand what legal power they are exercising, or whether the power is current, applicable and correct.
- 5.70. To assist authorities and their clerks/chief executives/RFOs NALC, SLCC and ADA publish information on their websites.

### Regulations and proper practices

- 5.71. Authorities are subject to a range of regulations, which can change more frequently than primary legislation. It is important, therefore, to be aware of new regulations that are issued as well as keeping up to date with the latest versions of existing ones. NALC, SLCC and ADA provide updates and training on developments in this area.
- 5.72. Of particular importance in relation to financial practices and procedures are the Accounts and Audit Regulations which cover the procedures authorities must follow in relation to the issuing of notices about the accounts and the exercise of public rights of inspection.
- 5.73. Also relevant to publication of financial information is the [Transparency Code for Smaller Authorities](#). This requires parish councils, internal drainage boards, charter trustees and port health authorities with an annual turnover not exceeding £25,000 to publish certain information set out in the Code. This enables local electors and local taxpayers to access relevant information about the authority's accounts and governance.
- 5.74. Parish and town councils with annual turnover in excess of £200,000 should comply with the [Local Government Transparency Code 2015](#).
- 5.75. Monitoring an authority's compliance with the relevant Transparency Code is not part of the external auditor's limited assurance review of the Annual Governance and Accountability Return.

### Actions during the year

- 5.76. As part of its annual governance review to prepare its annual governance statement (see Section 1 of the Guide), an authority needs to scrutinise the actions it has taken during the year, and the decisions that it has made, and satisfy itself that it has acted properly within its powers and in accordance with any relevant Regulations.

#### AGS assertion 4: Exercise of public rights

- 5.77. Sections 25 to 27 of the Local Audit and Accountability Act 2014 contain provisions giving interested persons and local government electors certain rights of inspection of the accounts and accounting records. Local government electors may also question the auditor about the accounting records and make an objection to the auditor.
- 5.78. The rights in Sections 26 and 27 must be exercised within a period of 30 working days, during which period the authority must make the accounts and all supporting records available for inspection on reasonable notice and at all reasonable times.
- 5.79. In accordance with Regulation 12(3) of the Accounts and Audit Regulations 2015, the authority's RFO is responsible for commencing the 30 working day period as soon as possible after the statement of accounts has been approved by the authority and signed and dated by the person presiding at the meeting at which that approval is given. The RFO must also notify the local auditor of the date on which the period was commenced.
- 5.80. In accordance with Regulation 15(1), the RFO must ensure that the 30 working day period includes the first 10 working days of July following the end of the financial year to which the accounts relate.
- 5.81. In accordance with Regulation 15(2), the RFO must publish (including publication on the authority's website):
- the statement of accounts (Section 2 of the Annual Governance and Accountability Return) accompanied by:
    - a declaration, signed by the RFO, to the effect that the statement has not yet been reviewed by the external auditor and thus may be subject to change;
  - the annual governance statement (Section 1 of the Annual Governance and Accountability Return); and
  - a statement that sets out:
    - the period for the exercise of public rights;
    - details of how a notice should be given of an intention to inspect the accounting records and other documents;
    - the name and address of the local auditor; and
    - the provisions contained in sections 26 and 27 of the Local Audit and Accountability Act 2014 concerning the exercise of public rights.
- 5.82. In accordance with Regulation 15(3), the period for the exercise of public rights is treated as being commenced on the day after all of these obligations have been fulfilled.
- 5.82A. Where amendments are made by the authority to the Annual Governance and Accountability Return (AGAR) after it has been approved by the authority and before it has been reviewed by the external auditor, it is recommended that the chair and responsible financial officer initial the amendments and if necessary republish the amended AGAR and recommence the period for the exercise of public rights to inspect the accounts.
- 5.82B. Where amendments are made by the authority to the Annual Governance and Accountability Return (AGAR) on the recommendation of the external auditor, after it has been approved by the authority, it is recommended that the amended version is

published along with the external auditor's report. In this case, the authority will not need to recommence the period for the exercise of public rights.

- 5.83. Where an authority does not have its own website, publication may be on any website, provided that the information is accessible by any member of the public without registration or payment. A parish meeting may instead display the information in question in a conspicuous place in the area of the authority for at least 14 days.
- 5.84. Assertion 4 in the annual governance statement relates to the exercise of public rights 'during the year' which means in relation to the Annual Governance and Accountability Return for the previous financial year. For example, when completing the 2019/20 Annual Governance and Accountability Return, assertion 4 refers to the exercise of public rights for the 2018/19 Annual Governance and Accountability Return taking place in June/July/August 2019. The common period of inspection for the 2018/19 Annual Governance and Accountability Return is 1 to 12 July 2019. The earliest commencement date of the 30 working day inspection period is 3 June 2019 and the latest commencement date is 1 July 2019.
- 5.85. Information on the rights of interested persons and local government electors in respect of the accounts of their authority can be found in [Local Authority Accounts – a guide to your rights](#) published by the National Audit Office.

#### Limited assurance review by the external auditor

- 5.86. In accordance with Regulation 13, after the conclusion of the period for the exercise of public rights, but no later than 30 September, the authority must publish (including on its website) the annual governance statement, statement of accounts and the external auditor's certificate and report – Sections 1, 2, and 3 of the Annual Governance and Accountability Return. Authorities must keep copies of these documents for purchase by any person at a reasonable sum and ensure that they remain available for public access for 5 years.
- 5.87. In accordance with Regulation 16, as soon as reasonably practicable after the conclusion of the external auditor's review, an authority must publish (including on its website):
- a statement:
    - that the review has been concluded and that the statement of accounts has been published; and
    - of the rights of inspection conferred by section 25 of the Local Audit and Accountability Act 2014 in relation to the statement of accounts, auditor's opinion, public interest report and auditor's recommendations;
  - the address at which, and the hours during which, those rights may be exercised.
- 5.88. Where, following completion of the external auditor's review, an authority receives a letter or further report from the external auditor, such as a letter containing statutory recommendations or a Public Interest Report, the members must meet to consider it as soon as practicable. Following this consideration, the authority must publish the letter or report (including on its website) and make copies available for purchase on payment of a reasonable sum.

## AGS assertion 5: Risk management

### Background

- 5.89. Risk is an uncertain event or condition that, if it occurs, will have an effect on the achievement of an authority's objectives. Risk management is the process whereby authorities methodically address the risks associated with what they do and the services which they provide. The focus of risk management is to identify what can go wrong and take proportionate steps to avoid this or successfully manage the consequences. Good risk management allows stakeholders to have increased confidence in the authority's corporate governance arrangements and its ability to deliver its priorities.
- 5.90. Risk management is not just about financial management; it is about protecting the achievement of objectives set by the authority to deliver high quality public services. The failure to manage risks effectively can be expensive in terms of litigation and reputation, and can impact on the ability to achieve desired outcomes. The authority generally and members individually are responsible for risk management.
- 5.91. Risk management is an ongoing activity that comprises four elements:
- identifying risks;
  - assessing risks;
  - addressing risks; and
  - reviewing and reporting.

### Identifying risks

- 5.92. In order to manage risk, an authority needs to know what risks it faces. Identifying risks is therefore the first step in the risk management process.
- 5.93. It is not possible to present a suggested list of the specific risks which authorities face as the range, nature, complexity and scale of the business of authorities vary. Similarly, the priorities and service delivery objectives of one authority will differ from those of others. For this reason each authority should identify, for itself, the key risks to achieving successfully its priorities and service objectives. However, there are some typical categories of risks that might help in the process of risk identification:
- financial – loss of money;
  - security – fraud, theft, embezzlement;
  - property – damage to property;
  - legal – breaking the law or being sued;
  - IT – failure of IT systems or misuse; and
  - reputational – actions taken could harm the authority's public reputation.

### Assessing risks

- 5.94. Once the authority has identified its key risks, the next step is to assess the potential consequences of a risk occurring (impact) and consider how likely this is (likelihood).
- 5.95. The assessment of potential impact and likelihood need not be any more complex than assigning a simple numerical score, say 1 – 3, and multiplying the two scores to arrive at a risk assessment for each risk of high, medium or low. The risk assessment enables

the authority to decide which risks it should pay most attention to when considering what measures to take to manage them.

5.96. Authorities could use a simple risk assessment matrix as follows:

<b>Likelihood</b>	Highly likely (3)	Medium (3)	High (6)	High (9)
	Possible (2)	Low (2)	Medium (4)	High (6)
	Unlikely (1)	Low (1)	Low (2)	Medium (3)
		Negligible (1)	Moderate (2)	Severe (3)
		<b>Impact</b>		

### Addressing risks

5.97. Risk is unavoidable, and every organisation needs to take action to manage risk in a way which it can justify to a level which is tolerable. The response to risk, which is initiated within the organisation, is called 'internal control' and may involve one or more of the following standard responses:

- **Tolerate** the risk - for risks where the downside is containable with appropriate contingency plans; for some where the possible controls cannot be justified (e.g. because they would be disproportionate); and for unavoidable risks, e.g. terrorism.
- **Treat** the risk - a common response which can mean imposing controls so that the organisation can continue to operate; or setting up prevention techniques.
- **Transfer** the risk – buying in a service from a specialist external body or taking out insurance. Some risks cannot be transferred, especially reputational risk.
- **Terminate** the activity giving rise to the risk - it may be best to stop (or not to start) activities which involve intolerable risks or those where no response can bring the risk to a tolerable level.

5.98. Areas where there may be scope to use insurance to help manage risk include the following:

- The protection of physical assets owned by the authority – buildings, furniture, equipment, etc. (loss or damage).
- The risk of damage to third party property or individuals as a consequence of the authority providing services or amenities to the public (public liability).
- The risk of consequential loss of income or the need to provide essential services following critical damage, loss or non-performance by a third party (consequential loss).
- Loss of cash through theft or dishonesty (fidelity guarantee).
- Legal liability as a consequence of asset ownership (public liability).

- 5.99. The limited nature of internal resources in most authorities means that those wishing to provide services often buy them in from specialist external bodies. Areas where there may be scope to work with others to help manage risk include the following:
- Security for vulnerable buildings, amenities or equipment.
  - Maintenance for vulnerable buildings, amenities or equipment.
  - The provision of services being carried out under agency/partnership agreements with principal authorities.
  - Banking arrangements, including borrowing or lending.
  - Ad hoc provision of amenities/ facilities for events to local community groups.
  - Markets management.
  - Vehicle or equipment lease or hire.
  - Trading units (leisure centres, playing fields, burial grounds, etc.).
  - Professional services (planning, architects, accountancy, design, etc.).

### Reviewing and reporting

- 5.100. Once the key risks have been identified and assessed they should be recorded, for example in a risk register. Members should review the risk register not less than annually. This could be achieved by risk management being a standing item at authority or committee meetings.
- 5.101. An example of a simple risk register can be found in Appendix 1 on page 69.
- 5.102. Support for authorities wishing to improve their risk management arrangements, over and above that provided by this guidance, is available through training that may be requested from NALC, SLCC and ADA, or from other training providers. In identifying training needs, parish and town councils may wish to seek the professional input of their insurance provider and refer to various elements of the [National Training Strategy for town and parish councils in England](#).



## AGS assertion 6: Internal audit

5.103. Section 4 of the Guide sets out the non-statutory 'guidance' referred to in Regulation 5(1) of the Accounts and Audit Regulations 2015, and needs to be taken into account by smaller authorities in undertaking an effective internal audit.

5.104. In addition to the information in Section 4, authorities may wish to consider the following list of the key systems and processes they can ask internal audit to review from time to time as part of its work:

- proper book-keeping including the cash book;
- standing orders and financial regulations;
- payment controls;
- income controls;
- budgetary controls;
- petty cash procedure;
- payroll controls;
- asset control;
- bank reconciliations;
- year-end procedures; and
- risk management arrangements.

5.105. This is not an exhaustive list and each authority will need to agree a specific programme of work with its internal audit provider each year.

5.106. Authorities should note that it is not part of internal audit's responsibility to review or 'sign off' the completed Annual Governance and Accountability Return. Internal audit report(s) should inform the authority's responses to assertions 2 and 6 in the annual governance statement. Internal audit reports should therefore be made available to support and inform members considering the authority's approval of the annual governance statement.

## AGS assertion 7: Reports from auditors

- 5.107. Authorities will receive reports from both their internal and external auditors. An authority should consider the matters included in these reports and decide what action it needs to take to prevent recurrence of the issues raised. The consideration and decisions should be included in formal minutes.
- 5.108. Information regarding internal audit reporting is provided in paragraphs 4.18 to 4.20 of Section 4 of the Guide.
- 5.109. External auditors are required to carry out their work in accordance with the [Code of Audit Practice](#) and supporting guidance issued by the National Audit Office. [Auditor Guidance Note 2](#) (AGN02) provides the specified procedures that auditors follow when undertaking limited assurance engagements at smaller authorities.
- 5.110. The formal terms of engagement between external auditors and authorities are set out in the [Statement of responsibilities of auditors and audited bodies](#) issued by Public Sector Audit Appointments Limited. It summarises where the different responsibilities of auditors and of the authority body begin and end, and what is to be expected of the authority in certain areas.

## AGS assertion 8: Significant events

- 5.111. The authority needs to have considered if any events that occurred during the financial year (or after the year-end), have consequences, or potential consequences, on the authority's finances. If any such events are identified, the authority then needs to determine whether the financial consequences need to be reflected in the statement of accounts.
- 5.112. For authorities accounting on a receipts and payments basis, the review of significant events should cover events that occurred during the financial year to ensure that they have been included in the accounting statements where appropriate.
- 5.113. For authorities accounting on an income and expenditure basis, the review of significant events should also cover events that occurred after the financial year-end but before the accounting statements are approved by the authority.

## AGS assertion 9: Trust funds (local councils only)

- 5.114. Certain local authorities have powers to be appointed as trustee of local, usually charitable, trusts and fulfil this role as either custodian or managing trustee.
- 5.115. Charitable trusts in England are regulated by the Charity Commission which sets out minimum standards of accounting and audit requirements where these are not covered by the Trust Deed. The Charity Commission also requires annual reporting by registered charities.
- 5.116. Larger authorities meet this requirement via disclosure in the notes to the accounts which are covered by an audit opinion. For smaller bodies preparing an Annual Governance and Accountability Return there are no provisions for notes and so the required disclosure is achieved through a simple disclosure in the Annual Governance and Accountability Return.
- 5.117. If the authority has disclosed that it is a sole managing trustee it must also complete the associated assertion in the annual governance statement. In this way, small bodies meet the legal requirement to disclose each 'account of the body'. Auditors plan work around these disclosures as required.
- 5.118. Authorities should ensure that a separate bank account operates to receive income for each trust to which it is a managing trustee. If, exceptionally, the authority's bank account is used to receive monies intended for the trust or to pay for any expenditure on behalf of a trust (prior to recovery from the trust account), then these transactions, including any VAT, must be included in the Annual Governance and Accountability Return of the authority as being its own expenditure and income during the year and to the extent that they are yet to be recovered or paid over reconciled as debtor and creditor amounts. However, to simplify accounting and ensure separation, a separate bank account should be established for any trust as soon as possible and funds should never or only exceptionally mixed. The reserves of the authority should not include those belonging to any trust.
- 5.119. Meetings of the authority when it is acting as charity trustee must take place separately from those of the authority acting as the authority. Separate minutes must be kept. In order to avoid confusion, trust business should always be minuted separately from authority business. Separate notices and agendas for meetings should be issued.
- 5.120. The clerk should take responsibility for guiding the authority regarding the capacity, either as the authority or as trustees for a charity, in which members are meeting. The chairman should make clear to the meeting, at the outset and throughout, the capacity in which it is meeting, particularly if authority and trust meetings are held one after the other or where confusion around capacity is possible.
- 5.121. The value of trust property must not be shown in the authority's books of account and on the Annual Governance and Accountability Return as authority property. Trust assets held by the authority as custodian or managing trustee should, however, be recorded in the authority's asset register and identified there as 'charity assets held by the authority as trustee' with their value excluded from the total.

## Accounting statements

### Reporting on an income and expenditure basis

- 5.122. Current rules require authorities where the gross income or expenditure for the year (whichever is the higher) has exceeded the threshold of £200,000 for a period of three continuous years, to report their financial details on an income and expenditure basis, from the third year onwards. Authorities operating below the £200,000 threshold have the option to report either on an income and expenditure basis or on a receipts and payments basis.
- 5.123. The receipts and payments basis requires authorities only to consider their actual bank and cash transactions. The entries for the Annual Governance and Accountability Return will usually be taken straight from the summary totals in the cash book.
- 5.124. For authorities with annual turnovers between £200,000 and £6.5 million the Annual Governance and Accountability Return has to be prepared on an 'income and expenditure' basis. In income and expenditure accounts, the transactions for the year comprise all those instances in the twelve months where the authority has received economic benefits or given others economic benefits (irrespective of the year in which they are paid for).
- 5.125. For example, suppose an authority has its offices re-roofed in March but the builders do not issue an invoice until April and the authority does not settle the bill until May. The cash book will record a bank outgoing in May of the new financial year. However, the authority will have received the benefit of the works before the end of the financial year in March and have an obligation to pay the builders, even though their invoice has not arrived to confirm the exact amount due. In order to show the proper financial position of the authority for the previous financial year, expenditure should be recognised in March.
- 5.126. In contrast, someone might put down a refundable deposit in February on a booking for the hall in June. The cash book would record a cash receipt in February. However, the authority will not be providing any economic benefits to the booker (i.e. use of the hall) until June of the new financial year, and would be unwise to spend the cash receipt until the event takes place. The receipt would not then count as income in the previous financial year and would be treated as a prepayment to be accounted for in the new financial year.
- 5.127. Income and expenditure accounting thus gives a more sophisticated presentation of an authority's true financial position, focusing on the balance of economic benefits that it has under its control, rather than just its bank balance.
- 5.128. Very few authorities will actually maintain their books of account on an income and expenditure basis. The cash book will be the main focus for day-to-day accounting and balancing off and reconciliation to the bank statement, and remains the most important control over the accounting system. Subsidiary records will be kept of the authority's debtors (people who owe the authority) and creditors (people the authority owes) based on invoices, but transactions will be made in the cash book for this activity only when cheques and cash are actually received or payments are made. This means that there will need to be a special exercise at the end of each financial year to convert the receipts and payments record represented by the cash book into the income and expenditure account required by section 2 of the Annual Governance and Accountability Return.

5.129. The exercise is a little complicated because care has to be taken to make adjustments for both ends of the financial year. For example, as well as adding in amounts owed at the end of the year that are not in the cash book, payments that are in the cash book but relate to amounts owed at the end of the previous year have to be taken out. The adjustments required comprise the following:

**Debtors:** situations where the authority has provided goods or services before the end of the year, but has not yet been paid for them by 31 March. To convert 'receipts' into 'income' take the cash book totals for receipts and deduct the amount of debtors brought into the calculation of income for the previous year and add the amount of debtors outstanding at the end of this year.

**Receipts in advance:** situations where the authority has received cash before the year end, but has not yet provided the relevant goods and services by 31 March. To convert 'receipts' into 'income' take the cash book totals for receipts and add the amount of receipts in advance excluded from the calculation of income for the previous year and deduct the amount of receipts in advance held at the end of this year.

**Creditors:** situations where the authority has received goods or services before the end of the year, but has not yet paid for them by 31 March. To convert 'payments' into 'expenditure' take the cash book totals for payments and deduct the amount of creditors brought into the calculation of expenditure for the previous year and add the amount of creditors outstanding at the end of this year.

**Prepayments:** situations where the authority has paid cash before the year end, but has not yet received the relevant goods or services by 31 March. To convert 'payments' into 'expenditure' take the cash book totals for payments and add the amount of prepayments excluded from the calculation of expenditure for the previous year and deduct the amount of prepayments made at the end of this year.

**Stock:** consumable goods (for example bar supplies) purchased before the end of the year but which have not been used by 31 March. To adjust for stock in expenditure take the cash book totals for payments and add the amount of stock brought forward as an asset from the previous year and deduct the amount of stock held at the end of this year.

**Provisions:** any other situation in which the authority has an obligation to make a payment, but it is uncertain when the payment will be due (for example, a claim has been made for compensation against the authority that is likely eventually to result in the authority making recompense). This is only likely to occur in rare circumstances. To adjust for provisions in expenditure take the cash book totals for payments and add the value of any provision that needs to be made for events taking place in this year and deduct the value of any provisions made in previous financial years and brought forward, to this financial year and where payment has been made to settle the obligation and those no longer required.

5.130. Authorities will need to have effective arrangements in place to identify and calculate the adjustments needed. These will include:

Deciding on a level of materiality for adjustments – income and expenditure needs to be shown fairly, but excessive accuracy is not beneficial. For instance, most authorities will have utilities bills that include prepayments for standing

charges and payments in arrears for energy consumption that strictly should be adjusted for into their appropriate years. As this is a regular item of expenditure it is not usually worth apportioning individual bills across financial years, but just ensuring that four bills (if payable quarterly) are charged each year;

Making sure that a record is retained of the adjustments that were made in preparing the income and expenditure accounts for the previous financial year;  
Examining entries in the cash book before 31 March for possible receipts in advance and prepayments and entries after 31 March for possible debtors and creditors;

Examining invoices after 31 March for possible debtors and creditors; and  
Considering whether the authority has any other obligations arising from events that took place before 31 March that mean it will not be able to avoid making a payment at some time after 31 March.

- 5.131. For authorities reporting on the receipts and payments basis, the amount of VAT charged to customers and the VAT refund made by HMRC will be included in Line 3 (total other receipts); the amount of VAT paid to suppliers and any paid to HMRC will be included in Line 6 (all other payments).
- 5.132. For authorities reporting on an income and expenditure basis the amounts of VAT collected from customers, paid to suppliers, and payable to, or repayable by, HMRC will be posted to a Creditor Account which will result in a balance due to, or from, HMRC. This balance will be included in Creditors or Debtors as appropriate – i.e. in this case the only value of VAT to be included in the Annual Governance and Accountability Return figures will be any that is to be written off as irrecoverable (usually due to a partial exempt position on VAT).

### Accounting for joint arrangements

- 5.133. Authorities that operate joint committees, boards or other joint arrangements should make sure that the appropriate shares of income, expenditure, assets and liabilities (including any year-end balances) are included within their own accounts. Merely accounting for net contributions to joint arrangements is not acceptable. Such contributions need to be “grossed up” to reflect the actual share of income and expenditure (or receipts and payments if applicable) of the joint arrangements operations. Additionally, the authority’s share of any separately identifiable bank/cash balances at the year end should be included within Line 8, matched (with the necessary reconciliation for specific Debtors, Stock and Creditors) by a share of earmarked reserves in Line 7.
- 5.134. Separate, published accounting statements for joint arrangements are no longer required under legislation and so the proper practices, supporting information and examples contained in this guide do not apply to joint arrangements.
- 5.135. Authorities should, however, understand the risks associated with how their share of the assets and liabilities is used by any joint arrangement in which they participate, as well as their share of income and expenditure (or receipts and payments) employed in delivering the service managed by a joint arrangement.
- 5.136. Joint arrangements are not bodies corporate and may not own assets, hold bank accounts in their own name, have employees or enter into any form of contract.
- 5.137. All authorities in a joint arrangement need to communicate with one another. If an original formation document cannot be found, the constituent bodies need to make

and record proper decisions about how the arrangement is set up and how the income, expenditure, assets and liabilities are owned and accounted for in each participating body's Annual Governance and Accountability Return.

- 5.138. Where one authority is officially the accountable authority for the joint arrangement, balances held on behalf of other participants should be accounted for as liabilities at the year end, having been appropriately eliminated from the accountable authority's reserves.

### Total other receipts (Line 3)

- 5.139. Proceeds from the disposal of fixed assets are known as capital receipts and are subject to statutory controls<sup>3</sup>. Such proceeds cannot be used for revenue purposes and can only be used for capital purposes - that is the purchase of fixed assets, the making of capital grants, or the repayment of long-term loans. Authorities should keep separate records so that they can demonstrate compliance with this requirement. Where the total proceeds from the sale of a fixed asset is below a specified amount, currently £10,000, it is deemed to be *de minimis* and these requirements do not apply.
- 5.140. This does not affect the requirement to include such amounts in Line 3 when they are received, but is necessary to ensure that the authority complies with the appropriate statutory provisions.
- 5.140A. Proper practices in respect of any Community Infrastructure Levy ('CIL') passed to a local council under Regulation 59A of the Community Infrastructure Levy Regulations 2010 and accounting for grants are set out in paragraphs 2.15A and 2.15B respectively. Regulation 62A of the 2010 Regulations sets out special reporting requirements (separate from the Annual Governance and Accountability Return) in respect of CIL receipts and expenditure. In addition the principal authority may (but need not) recover CIL not spent by the local council within five years of receipt. Local councils should therefore keep records of the date and amount of CIL receipts and account for expenditure on a 'first in, first out' basis. CIL and any grants received that are unspent at the year-end should be taken to an earmarked reserve.

### Loan interest/capital repayments (Line 5)

- 5.141. Many authorities will not have any borrowings and will not therefore have interest or capital payment transactions. For those that have borrowed from the PWLB, the figure will be the payments made in the year in accordance with the PWLB repayment schedule.
- 5.142. If an authority goes overdrawn at the bank, then any interest or charges paid as a result of the overdraft should be included in this line. Bank charges other than those arising as a result of temporary borrowing should be included in Line 6.

### Total value of cash and short-term investments (Line 8)

- 5.143. Short-term investments are defined in paragraph 2.22 of Section 2 of the Guide.
- 5.144. Where an authority holds short-term investments such as deposit or savings accounts, all year-end balances must be reported in detail within the bank reconciliation and be included in the sum of Line 8. Auditors may seek to confirm these account balances from time to time.

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<sup>3</sup> The Local Authorities (Capital Finance and Accounting)(England) Regulations 2003 apply only in relation to local authorities in England so do not apply to IDBs.



## Total fixed assets plus long-term investments and assets (Line 9)

### Fixed assets

- 5.145. The term fixed assets means property, plant and equipment with a useful life of more than one year used by the authority to deliver its services. Fixed assets are also known as non-current assets.
- 5.146. Fixed assets acquired in any year should be added to the asset register for management purposes (see paragraphs 5.57 – 5.63 for information about managing fixed assets). For accounting purposes, acquisitions and disposals of fixed assets should be treated as any other purchase or sale and recorded as part of annual payments or receipts, expenditure or income.
- 5.147. Proper practices in Section 2 of the Guide state that the value of the cell at Line 9 is taken from the authority's asset register which is up to date at 31 March and includes all capital acquisition and disposal transactions recorded in the cash-book during the year. A particular method of asset valuation is not specified in proper practices so authorities may use any reasonable approach to be applied consistently from year to year. The method of asset valuation adopted should be set out in a policy approved by the authority and recorded in authority's minutes and in the asset register.
- 5.148. For authorities covered by this Guide, an appropriate and commonly used method of fixed asset valuation for first registration on the asset register is at acquisition cost. This means that in most circumstances once recorded in the asset register, the recorded value of the asset will not change from year to year, unless the asset is materially enhanced. Commercial concepts of depreciation, impairment adjustments, and revaluation are not required or appropriate for this method of asset valuation. For reporting purposes therefore, the original value of fixed assets will usually stay constant throughout their life until disposal.
- 5.149. If for some reason the authority decides that the basis of valuation should be changed, the change must be applied consistently to all relevant classes of fixed assets. In such an event, the value shown in Line 9 for the previous year should also be changed to the new basis and clearly marked as 'RESTATED'. Non-cash movements such as revaluation or depreciation must not be included in lines 3 or 6 of the Annual Governance and Accountability Return. The authority should provide a justification and explanation for the change in the basis of reporting, which should be recorded in the minutes of the authority.

### Long-term investments

- 5.150. An authority may also hold assets in the form of long-term investments. Long-term investments are defined in paragraph 2.25 of Section 2 of the Guide. On acquisition, long-term investments should be recorded in the cash book as expenditure and therefore appear as part of the total in Line 6 (all other payments). Any asset created in this way should also be recorded on the asset register at its purchase cost. At year-end the asset will also appear within the sum at Line 9.
- 5.151. Where an authority acquires an investment with a fixed maturity date (for example, a three year savings bond), the investment should be accounted for as expenditure in the year (Line 6) and also as an increase in assets and long-term investment (Line 9) until its maturity. At maturity, the total (gross) proceeds should be recorded as income in Line 3 (total other receipts).

- 5.152. Any transaction costs should be recorded as other expenditure in Line 6. At maturity, the original acquisition value of the investment asset (which will remain unchanged over its term for the purposes of the Annual Governance and Accountability Return) should be removed from the total in Line 9.
- 5.153. Long-term investments should be recorded in the asset and investments register at original cost at acquisition (the purchase price) which for accounting purposes will remain unchanged until disposal. It is recognised that the market value of long-term investments may change over time; therefore, at each year end, the RFO should make a note in the asset register of the notional market value of each investment as at 31 March to inform readers. However, any real gain or loss compared to purchase cost will only ever be accounted for at the time of disposal when the total proceeds from the investment will be included in Line 3.
- 5.154. Any dividend or interest payments received during the year from investments should be recorded as income and reported in Line 3. Where the authority has made a contract to the effect that any dividends or interest receivable from an investment are 'rolled up' and only paid to the authority on the maturity of the investment (for example, as may be the case with certain fixed-term bonds), the 'rolled up' dividend and/or interest should only be reported in Line 3 if it has actually been received, that is, on the maturity of the investment.
- 5.155. When the authority has incurred expenditure by making a loan, grant or other financial assistance to a third party this transaction should be recorded as an expenditure item in the cash book. Any loan or other repayable amount should be added to the asset and investments register. The outstanding amount of any third party loan at 31 March each year, excluding interest, falls to be reported in the sum of Line 9. Any repayment of a loan or part of it, or any interest received should be recorded as an income item in the cash book when received and reported in Annual Governance and Accountability Return Line 3. This receipt will also be reflected as an increase in Line 7 (balances carried forward). Any repayments of loan principal must also be applied to reduce the amount of the loan outstanding on the asset and investments register.
- 5.156. When an authority receives shares following a de-mutualisation of a building society or similar institution this also creates a long-term asset.

### Total borrowings (Line 10)

- 5.157. This figure will be the total amount outstanding at 31 March. If an authority has borrowings, they will usually be in the form of long-term loans from the PWLB. The capital value of instalment finance, including HP or leases which have not been classed as borrowing by MHCLG, should not be included here. The total borrowings at 31 March should be easily calculated by reference to official loan schedules. The total borrowings figure in Line 10 should include the current portion of long-term debt.

### Accompanying information

- 5.158. Authorities are required to provide to the external auditor certain supporting documentation for the accounting statements in section 2 of the Annual Governance and Accountability Return (AGAR), where Part 3 of the AGAR is subject to review by the external auditor. These documents are the year-end bank reconciliation and an explanation of significant variances. These are minimum requirements and the auditor may ask for other information which the authority should provide. However,

authorities should only send to the auditor the information that has been specifically requested.

- 5.158A. Where an authority meets the criteria and wishes to certify itself exempt from a limited assurance review, it needs to submit a copy of the exemption certificate to the external auditor.

### **Bank Reconciliation**

- 5.159. The most important document to be provided is the bank reconciliation as it confirms the authority's books of account are supported by the bank's records. Because of its importance, the reconciliation should be prepared in sufficient detail so that it is clear what the year-end cash book and bank account balances are, and the nature of the items that reconcile the difference can be seen. The authority should carry out a separate reconciliation for each bank account operated by the authority although the results may then be summarised. The bank reconciliation should agree to the figure in Line 8 of Section 2 of the Annual Governance and Accountability Return.
- 5.160. See paragraphs 5.21 to 5.27 for more information about bank reconciliations. A standard layout for a financial year-end bank reconciliation can be found at Appendix 1 on page 69.

### **Explanation of significant variances**

- 5.161. The other supporting documentation required to accompany the Annual Governance and Accountability Return is a brief explanation of significant variations from year to year between the figures in Section 2 of the Annual Governance and Accountability Return. 'Significant' is defined as being worthy of attention. A significant variance is one that would be of interest to the authority and to the public when looking at the figures in Section 2 of the Annual Governance and Accountability Return.
- 5.162. The purpose of showing comparative values in financial statements is so that the reader can observe and note any changes in levels of activity from one year to the next. The absence of significant variances from one year to the next implies that the authority has continued to provide expected services at the same level and approximately at the same cost as previously. Readers are therefore drawn to any items which are significantly different or unusual, as representing a possible change in the scope or level or cost of services they have come to expect.
- 5.163. The reason for providing the explanation of significant variances to the external auditor is to support the auditor's review of the figures in Section 2 of the Annual Governance and Accountability Return and to demonstrate the authority's understanding of its accounts and their movements. The auditor will compare the current year's figures to the previous year's figures to identify any differences. Where there are significant differences, the auditor may be concerned that the figures for the current year could be incorrect. Authorities will be able to remove this doubt by providing clear and complete explanations for the differences.
- 5.164. For example, a reasonable expectation may be that staff costs should rise each year only by the level of wage inflation. Thus, if the clerk's remuneration had risen, from £2,500 in the previous year to £2,575 (3 per cent), this could reasonably be assumed to be attributable to a cost of living increase. However, if the remuneration had risen to £2,900, i.e. by 16 per cent, then the authority would need to explain the reason for the increase, to demonstrate that a mistake had not been made in recording staff costs. If the explanation was that the authority had implemented tighter new financial

procedures that required the clerk to work more hours a week, this should be set out in a note which can be provided to the auditor.

- 5.165. Any change, or even the absence of change when one might be expected, can be considered as significant and the RFO should be prepared to explain any figure presented in the accounting statements. Generally, changes (either up or down) of 10 to 15 per cent and greater will almost certainly require a formal explanation. If the external auditor states a percentage figure in their letter accompanying the Annual Governance and Accountability Return, authorities should comply with it.
- 5.166. Where the value in Line 7 of Section 2 of the Annual Governance and Accountability Return does not equal the value in Line 8, this difference should be explained. This difference should only occur in cases where the authority's accounts are presented on an income and expenditure basis, and the most common explanation is the effect of debtors and creditors in the authority's statement of balances. It should be possible to provide the auditor with details of the year-end debtors and creditors showing how the net difference between them is equal to the difference between Lines 7 and 8.
- 5.167. In deciding what needs to be explained, authorities should think about noting the following:

One-off items of spending or income from last year and this year;

Regular items of spending and income where the relevant activity (for example the number of hall bookings) has risen or fallen between the two years or where prices have not changed in line with inflation (for example a price freeze on charges for hall rentals);

Items of spending and income that used to be regular but which were made for the last time last year and do not feature in the current year (for example a grant to a sporting association that went out of existence); and

Items of spending and income that were made for the first time in the current year and will be made regularly in future years (for example running expenses for a newly opened one stop shop facility).

- 5.168. As authorities have no legal powers to hold revenue reserves other than those for reasonable working capital needs, or for specifically earmarked purposes, whenever an authority's year-end general reserve is significantly higher than the annual precept or rates and special levies, an explanation should be provided to the auditor.

## Appendix 1: Example documents

### Bank reconciliation

A standard layout for financial year-end bank reconciliation might look something like this. The model can be applied for reconciliations carried out at any time of the year.

<b>Bank Reconciliation</b>		<b>Financial year ending 31 March 20XX</b>	
Authority Name			
Prepared by _____ (Name and role (Clerk/RFO etc)) Date _____			
Approved by _____ (Name and role (RFO/Chair of Finance etc)) Date _____			
<b>Balance per bank statements as at 31 March 20XX</b>	<b>£</b>	<b>£</b>	
eg Current account	1,000.00		
High interest account	3,000.00		
Building society premium a/c	10,000.00		
Petty cash balance	10.00		
			14,010.00
Less: any un-presented cheques at 31 March (normally only current account)			
Cheque number 000154	(60.00)		
000157	(18.00)		
000158	(2.00)		(80.00)
Add any unbanked cash at 31 March			
eg Allotment rents banked 31 March (but not credited until 1 April)	50.00		50.00
<b>Net bank balances as at 31 March 20XX</b>			<b>13,980.00</b>

## Risk register

A simple risk register might look something like this:

<b>Risk no.</b>	<b>Description (The risk is that...)</b>	<b>Impact (The impact on the authority would be...)</b>	<b>Likelihood score (1-3)</b>	<b>Impact score (1-3)</b>	<b>Risk rating (High, medium, low)</b>	<b>Response (What actions have been taken)</b>
1	Items from the village hall may be damaged or stolen.	The cost of repair and replacement.	2	2	Medium (4)	Security arrangements reviewed and insurance in place.
2						
3						
4						

## Appendix 2: JPAG's Terms of Reference

- 1.1 The Joint Panel on Accountability and Governance ('JPAG' or 'the Panel') is established jointly by the National Association of Local Councils ('NALC'), the Society of Local Council Clerks ('SLCC') and the Association of Drainage Authorities ('ADA') for the purpose of preparing, maintaining, developing and issuing from time to time a Practitioners' Guide to proper practices to assist smaller authorities in England to prepare accounting and governance statements in the form of an annual return as set out in legislation, hereinafter referred to as the Annual Governance and Accountability Return.
- 1.2 JPAG's terms of reference are:
  - (i) To support NALC, SLCC and ADA in preparing, maintaining and publishing the Practitioners' Guide.
  - (ii) To keep under review, advise on the need for changes or updates, consult and, following due process, approve changes or updates to the Practitioners' Guide and Annual Governance and Accountability Return (except the auditor's report, which is determined by the NAO).
  - (iii) To support Smaller Authorities Audit Appointments Ltd (SAAA) in producing the Annual Governance and Accountability Return.
- 1.3 The preparation, maintenance and development of the Practitioners' Guide will focus in the main on the requirement for small bodies to meet statutory accounting and reporting requirements laid out in statute. In meeting its terms of reference in 1.2, JPAG will have regard to relevant UK Generally Accepted Accounting Practices ('UKGAAP') as adapted for public sector circumstances.

## **2 DUE PROCESS FOR THE PREPARATION AND MAINTENANCE OF THE PRACTITIONERS' GUIDE**

- 2.1 JPAG shall keep under review the Practitioners' Guide. In particular it shall consider at least annually:
  - Any implications for the Practitioners' Guide brought to its attention by any of the Panel members.
  - Any developments in the public sector that suggest further guidance on accounting and related governance matters at smaller authorities is desirable.
- 2.2 At the behest of JPAG the Chair shall notify NALC, SLCC and ADA as soon as practicable of proposals to update the Practitioners' Guide and a planned timetable.
- 2.3 Drafting of the Practitioners' Guide, or any changes to the Practitioners' Guide, is overseen and approved by JPAG. The process should ensure the participation of representatives of each of the Panel members, external auditors of smaller authorities, relevant government departments and independent outsiders on behalf of the wider public interest as required.
- 2.4 JPAG may, as circumstances require, establish sub-groups to consider individual issues or tasks. These sub-groups shall conduct their meetings in accordance with terms of reference set by the Panel. The sub-groups may, where necessary, invite appropriately qualified experts to join their sub-group subject to the terms of reference for the sub-group.

2.5 JPAG shall conduct its proceedings in an open way and follow due process:

- Before publishing any Practitioners' Guide, or any significant changes to the Practitioners' Guide, JPAG shall invite comment by means of a published exposure draft and invitation to comment explaining the proposals.
- The period for responses shall be at least six weeks. NALC, SLCC and ADA shall issue the exposure draft and invitation to comment, which may include publication on a relevant website or websites, and publicise the consultation among their practitioners.
- In addition, the Panel shall also inform external auditors of smaller authorities and relevant government departments about the consultation.

2.6 The invitation to comment included with exposure drafts shall state that comments will be regarded as capable of being placed on the public record, unless confidentiality is requested, so that NALC, SLCC and the ADA can publish comments or summaries of comments.

2.7 The Practitioners' Guide is recognised by relevant government departments as the authoritative source for smaller authorities in England on proper practices for accounting and governance and in preparing an annual return. It is intended to be written as a complete single-source document that does not require further interpretation. JPAG is therefore not responsible for reviewing or approving any further guidance or application notes issued by any other body, individual or organisation.

2.8 Within the Practitioners' Guide, JPAG may include additional information and examples that are not proper practices within the meaning set out in statute. Any such content must be clearly identified within separate sections of the Practitioners' Guide.

### **3 COMPOSITION**

3.1 The members of JPAG are:

- the Chair (see section 4 below)
- 1 nomination each from NALC, SLCC and ADA;
- 1 nomination each from MHCLG, DEFRA, the NAO and CIPFA; and
- 1 additional nomination from NAO for a representative of external auditors for smaller authorities.

3.2 One member of the Panel shall be appointed as vice chair.

3.3 The Panel may elect to co-opt up to two further independent members; such co-options to be agreed by the members of the Panel listed at 3.1 by a simple majority vote.

### **4 CHAIR**

4.1 The Chair is selected by JPAG from nominations received from NALC, SLCC and ADA. It is not mandatory for any nominee to be a member of the nominating body and once appointed the Chair shall act independently of any nominating body.



- 4.2 The appointment is for a fixed term renewable of 3 years with a maximum term of 6 years.
- 4.3 The Chair is not an office of profit and carries no remuneration.

## 5 SUPPORT FUNCTIONS

- 5.1 JPAG will determine, from time to time, the key delegated functions that include, inter alia:
- **JPAG governance and secretarial arrangements:** maintaining Terms of Reference; membership issues including appointments; arranging meeting dates and venues; servicing meetings including preparing and distributing papers, taking minutes and dealing with related correspondence; and maintaining any website.
  - **The Practitioners' Guide:** managing and coordinating the revision and update cycle and associated consultations; and arranging for publication by the sector bodies.
  - **The Annual Governance and Accountability Return:** SAAA is responsible for designing, managing and coordinating the annual review and producing the Annual Governance and Accountability Return in line with the Practitioners' Guide and the Accounts and Audit Regulations, consulting JPAG members, submitting to JPAG for approval in accordance with paragraph 1.2(ii), arranging and paying for the distribution of the annual governance and accountability return to the audit firms for onward distribution to smaller authorities.
  - **Technical support:** Technical queries from practitioners, audit firms and government departments will be, in the first instance, directed to the appropriate body (NALC, SLCC, ADA, NAO, MHCLG or DEFRA). Where the appropriate body is unable to provide a definitive response, it will then refer the matter to the JPAG Chair or a sub-group of JPAG set up for that purpose in accordance with section 2.4 herein. The JPAG Chair or sub-group will keep a record of all issues raised and, where the requirements of the Practitioners' Guide are not explicit, agree on a common recommended approach to be communicated to JPAG members and included in proposals for the next update to proper practices. Where the issue concerns public inspection rights, the appropriate body will direct any audit queries from the general public to the NAO's Guide to Electors Rights publication (Local authority accounts: a guide to your rights), and, if appropriate, to the SAAA website, which provides contact details for any opted-in smaller authority's independently appointed external auditor. The bodies will refer any accounting queries from the general public to the Practitioners' Guide.
- 5.2 JPAG may reasonably remunerate work for delegated functions, which, if approved by SAAA, will be paid for by SAAA.

## 6 PANEL APPOINTMENTS

- 6.1 Appointments to JPAG are made by nomination from:
- NALC for the NALC nominee
  - SLCC for the SLCC nominee
  - ADA for the ADA nominee
  - NAO for the NAO nominee and the nominee to represent an external auditor's view
  - CIPFA for the CIPFA nominee
  - MHCLG for a technical smaller authorities accounting nominee
  - DEFRA for a technical smaller authorities/IDBs accounting nominee

and are subject to the governance arrangements of those bodies. All nominations are personal to the individuals concerned – substitutions for particular meetings may only be made with the consent of the Chair which shall not be unreasonably withheld.

- 6.2 The Panel may invite other persons to attend meetings of the Panel or its sub-groups on an ad-hoc (non-voting) basis to advise on specific issues or projects, or as observers.

## **7 CONDUCT OF MEETINGS**

- 7.1 As noted in paragraph 2.5, JPAG shall conduct its proceedings in an open way and follow due process.
- 7.2 Members and observers must not use their position for personal gain in either business, political or social relationships. Therefore a member or observer who has, or may be perceived to have, such a personal interest in a particular matter under consideration should declare that interest and withdraw from all discussions relating to it. In addition, members should take no part in any vote on such a matter.
- 7.3 Each meeting of JPAG shall allow its members and observers the opportunity to declare any interest that is relevant to the issues discussed at the meeting.
- 7.4 The minutes of the JPAG meeting shall be agreed by the Panel members as soon as possible after the meeting, and may be published by agreement of the Panel.

## **8 PANEL MEETING FREQUENCY AND AGENDAS**

- 8.1 JPAG will meet as required but as a minimum twice per year. Meetings are scheduled in advance but may be changed by agreement. Additional meetings may be held by agreement. Meetings may be arranged to be held virtually by consensus.
- 8.2 Work between meetings is progressed through delegated functions, agreement by electronic communication, meetings of groups progressing specific items, and in consultation with the Chair.

## **9 QUORUM**

- 9.1 A quorum for meetings is five members and must include a member from two of the three NALC, SLCC and/or ADA organisations. A quorum may include members attending by telephone or video conference.
- 9.2 Non-quorate meetings may discuss and formally note matters for future report to the next meeting of the Panel, but have no executive authority. Urgent decisions, at the Chair's discretion, should be dealt with by correspondence with members.

## **10 PERFORMANCE REVIEW**

- 10.1 JPAG will review its activities and shall hold an annual discussion at a meeting of the Panel to evaluate its performance for the preceding 12 months.

## **11 REVIEW OF THE TERMS OF REFERENCE**

- 11.1 JPAG may review and update these terms of reference from time to time as it deems necessary.